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Bangladesh

Country:

Bangladesh

Year:

2016

Freedom Status:

Partly Free

Political Rights:

4

Civil Liberties:

4

Aggregate Score:

49

Freedom Rating:

4.0

Overview:

Bangladesh continued to experience political and social unrest in 2015 as the ruling Awami League (AL) consolidated power, resisted calls for fresh elections, and clamped down on dissent. The opposition Bangladesh Nationalist Party (BNP) engaged in street action but found its operations hampered by the harassment of key party officials as well as by mass preventive detentions of party activists. The Islamist Jamaat-e-Islami (JI) party faced similar restrictive moves from the authorities in addition to ongoing proceedings against its leaders by the International Crimes Tribunal (ICT), which was formed to try war crimes and other atrocities committed during the 1971 war of independence. Several high-ranking JI members were executed during the year as a result of ICT rulings.

Harassment of outspoken civil society groups and opposition media continued to escalate, and the killing of four secular bloggers and a publisher by Islamist militant groups marked a sharp deterioration in the space for freedom of expression. Attacks against religious minorities by nonstate actors also escalated at the end of the year.

Trend Arrow:

↓

Political Rights and Civil Liberties:

Political Rights: 21 / 40 [Key]

A. Electoral Process: 7 / 12

Members of the unicameral National Parliament and the largely ceremonial president serve for five years. The National Parliament is composed of 350 members, 300 of whom are directly elected. Political parties elect a total of 50 female members based on their share of elected seats. The president is elected by the legislature.

In the 2014 national elections, the BNP and 17 allied parties boycotted the vote to protest what they said were unfair circumstances. This left the majority of elected seats (153) uncontested, ensuring an AL victory. The AL won 234 parliamentary seats, the Jatiya Party (JP) won 34, and independents and minority parties captured the remainder. Western monitoring groups declined to send election observers and criticized the conditions under which the polls were held. The elections were also marred by extensive violence—Human Rights Watch termed them the bloodiest since the country's independence—and intimidation by a range of political parties. As a result, voter turnout was low at 22 percent, compared with 87 percent in 2008. A number of attacks specifically targeted members of the country's Hindu and Christian minority groups, affecting around 700 people.

B. Political Pluralism and Participation: 9 / 16

Bangladesh has a strong two-party system in which power alternates regularly between political coalitions led by the AL and BNP. Following a series of parliamentary boycotts in 2013, the BNP boycotted the 2014 elections and continued to engage in street action in 2015 with the aim of forcing a change in government. The JI party was banned from taking part in the 2014 elections because of its overtly Islamist charter; the constitution bans religiously based political parties. A monthlong series of mass opposition protests, *hartals* (strikes), and transport blockades in early 2015 left more than 60 dead and dozens of others injured; more than 10,000 opposition activists were temporarily detained, and BNP leader Khaleda Zia was confined to the party headquarters for more than a month. The human rights group Odhikar registered more than 197 deaths and more than 8,300 people injured as a result of inter- or intraparty clashes during the year.

Ruling party harassment of the opposition BNP and JI parties remained widespread in 2015. Many BNP party leaders were imprisoned, under house arrest, living in hiding or exile, or facing serious legal charges that could bar them from office. An arrest warrant for Zia was issued in February, and legal proceedings against her continued throughout the year. Members of the JI faced ongoing waves of arrests. In September, security forces arrested 13 JI members on suspicion of fomenting discord in the garment sector by detonating homemade explosives. Meanwhile, authorities continued to implement death sentences ordered by the ICT against JI leaders; among others, Muhammad Kamaruzzaman was executed in April, and Ali Ahsan Mohammad Mujahid and Salahuddin Quader Chowdhury in November.

Religious minorities remain underrepresented in politics and state agencies, though the AL government has appointed several members of such groups to leadership positions.

C. Functioning of Government: 5 / 12

Endemic corruption and criminality, weak rule of law, limited bureaucratic transparency, and political polarization have long undermined government accountability. Moreover, regular opposition boycotts of the National Parliament have significantly hampered the legislature's role in providing thorough scrutiny of government policies, budgets, and proposed legislation.

Bangladesh was ranked 139 out of 168 countries and territories surveyed by Transparency International's 2015 Corruption Perceptions Index. Under the AL government, anticorruption efforts have been weakened by politicized enforcement and subversion of the judicial process. In particular, the Anticorruption Commission (ACC) has become ineffective and subject to overt political interference. The ACC law was amended in 2013 to remove its authority to bring cases against officials without permission from the government. The government continues to bring or pursue corruption cases against the BNP; proceedings against Zia, among others, were ongoing in 2015.

The 2009 Right to Information Act mandates public access to all information held by public bodies and overrides secrecy legislation. Although it has been unevenly implemented, journalists and civil society activists have had some success in using it to obtain information from local governing authorities.

Civil Liberties: 28 / 60 (-1)

D. Freedom of Expression and Belief: 7 / 16 (-1)

Bangladesh's media environment became less lively in 2015 amid expanding legal and regulatory restrictions and increasing harassment of and physical attacks against reporters and bloggers. In February, the news show *Frontline* was suspended, allegedly because its host refused to defer to editorial guidance from the authorities. Contempt of court rulings are increasingly issued against journalists and other independent voices; in August, the Supreme Court upheld a contempt of court ruling against two editors of the Bengali daily *Janakantha*. Several dozen civil society activists who criticized the 2014 contempt ruling against British journalist David Bergman were also charged with contempt in 2015; most of the defendants apologized in order to avoid conviction. The 2014 National Broadcasting Policy allows for restrictions on coverage that is critical of the government or security forces or that is determined to threaten national security.

Violence against members of the media became markedly worse in 2015. Four avowedly secular or atheist bloggers and a publisher were murdered during the year, and several others were seriously injured. Islamist militant groups such as the Ansarullah Bangla Team (ABT) and Ansar al-Islam were linked to the killings; although several ABT members were arrested in August, the government's response to the killings was criticized as insufficient and as a contributor to the diminishing space for free expression in the country. Dozens of bloggers remain on an Islamist "hit list," and some have fled or gone into hiding due to threats. In December, eight individuals, including the head of ABT, were

convicted on charges related to the 2013 murder of blogger Ahmed Rajib Haider. Among those convicted, two students were sentenced to death.

Censorship of digital content, including blocks on YouTube, Facebook, and high-profile Bengali blogs, has become increasingly common. During the political unrest in January, access to online messaging services such as WhatsApp was barred; key social media sites were also blocked for weeks near the end of the year. The Information and Communication Technology Act was used to arrest and charge a number of individuals for exercising freedom of expression online; Mohon Kumar Mondol, director of the nongovernmental organization (NGO) LEDARS, was charged in September for posting criticism on Facebook about the hajj, the annual Islamic pilgrimage to Mecca, Saudi Arabia. Various forms of artistic expression, including books and films, are occasionally banned or censored.

A 2011 constitutional amendment reaffirmed the secular nature of the state while also confirming Islam as the official religion; the Supreme Court rejected a challenge against provisions for the latter in September 2015. Although religious minorities have the right to worship freely, they face societal discrimination as well as harassment and legal repercussions for proselytizing. Minority groups and their houses of worship are occasionally the targets of violent attacks. Members of the Ahmadiyya sect are considered heretical by some Muslims, and despite state protection, they have encountered violence, boycotts, and demands that the state declare them non-Muslims. They are also occasionally denied permission to hold religious events. A number of attacks against religious minorities took place in late 2015, targeting Hindu, Christian, Ahmadiyya, and Shiite Muslim individuals and houses of worship.

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. Open private discussion of sensitive religious and political issues is restrained by fear of harassment.

E. Associational and Organizational Rights: 6 / 12

The constitution provides for the rights of assembly and association, but the government regularly bans gatherings of more than five people. Nevertheless, many demonstrations took place in 2015. Authorities sometimes try to prevent rallies by arresting party activists, and protesters are frequently injured and occasionally killed during clashes in which police use excessive force.

Many NGOs operate in Bangladesh. While most are able to function without onerous restrictions, the use of foreign funds must be cleared by the NGO Affairs Bureau, which can also approve or reject individual projects. Groups that are seen as overly critical of the government, particularly on issues concerning human rights, are regularly denied permission for proposed projects and have been subject to escalating harassment and surveillance. Leading human rights NGO Odhikar continued to experience significant harassment in 2015, including judicial action, blocks on funding, surveillance, and interference in public activities.

Formation of labor unions became easier in 2015 due to legislative reforms. However, union leaders who attempted to organize or unionize workers continued to face dismissal or serious intimidation, including physical attacks. Organizations that advocate for labor rights, such as the Bangladesh Center for Workers' Solidarity, have also faced increased harassment over the past several years. Worker grievances fuel unrest at factories, particularly in the rapidly expanding garment industry, where strikes and protests against low wages and unsafe working conditions are common.

F. Rule of Law: 6 / 16

Politicization of the judiciary remains an issue despite a 1999 Supreme Court directive ordering the separation of the judiciary from the executive. Political authorities have continued to make appointments to the higher judiciary, in some cases demonstrating an overt political bias. Harassment of witnesses and the dismissal of cases following political pressure are also of increasing concern. A 2014 constitutional amendment grants the legislature the power to impeach judges on the grounds of "incapability or misconduct."

The court system is prone to corruption and severely backlogged, with an estimated 2.3 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. The rate of custodial deaths has remained high; law enforcement agencies reportedly perpetrated 185 extrajudicial killings in 2015. More than 64 abductions and enforced disappearances were recorded during the year, a significant increase from 2014. Criminal cases against ruling party activists are regularly withdrawn on the grounds of "political consideration," undermining the judicial process and entrenching a culture of impunity.

The 1974 Special Powers Act permits arbitrary detention without charge, and the criminal procedure code allows detention without a warrant. A 2009 counterterrorism law includes a broad definition of terrorism and generally does not meet international standards.

Revisions to the 1973 International War Crimes Tribunal Act 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, concerns have been raised regarding political interference, due process shortcomings, and inadequate protection for witnesses and defense lawyers in ICT trials.

Violence by Islamist political parties and other pressure groups has increased in the past several years, and terrorist attacks by Islamist militant groups have escalated recently; the South Asia Terrorism Portal counted 25 civilian and security-personnel fatalities related to Islamist extremism in 2015.

Members of ethnic and religious minority groups face some discrimination under law as well as harassment and violations of their rights in practice. Indigenous people in the

Chittagong Hill Tracts remain subject to physical attacks, property destruction, and land grabs by Bengali settlers and occasional abuses by security forces. In 2015, authorities announced that both foreign and domestic organizations and individuals would be banned from engaging in unsupervised talks with indigenous groups; some restrictions were lifted in response to a widely negative reaction by NGOs and the public. Indigenous leaders often criticize the national government for failing to implement provisions of the 1997 peace accord.

Roughly 270,000 ethnic Rohingyas who fled to Bangladesh from Myanmar beginning in the 1990s are subject to substantial harassment; the vast majority do not have official refugee status and suffer from a complete lack of access to health care, employment, and education. The government has attempted to discourage a more recent influx of refugees by further marginalizing the Rohingya community and undermining the work of international organizations providing humanitarian aid.

A criminal ban on same-sex sexual acts is rarely enforced, but societal discrimination remains the norm, and dozens of attacks on LGBT (lesbian, gay, bisexual, and transgender) individuals are reported every year. Transgender people face persecution. Although since 2013 they can be legally classified as a “third gender” if they desire, people registered as such have no inheritance rights under Sharia (Islamic law) provisions governing personal status matters in Bangladesh.

G. Personal Autonomy and Individual Rights: 9 / 16

The ability to move within the country is relatively unrestricted, as is foreign travel. Property rights are unevenly enforced, and the ability to engage freely in private economic activity is somewhat constrained. Corruption and bribery, inadequate infrastructure, and official bureaucratic and regulatory hurdles hinder business activities throughout the country. State involvement and interference in the economy is considerable.

The 2011 Vested Properties Return Act allows Hindus to reclaim land that the government or other individuals seized, but it has been unevenly implemented. 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. A commission set up in 2009 to allocate land to indigenous tribes has suffered from delays.

Under the personal status laws affecting communities of all religions, women have fewer marriage, divorce, and inheritance rights than men. 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 for an end to such practices. Women also face discrimination in social services and employment.

Rape, acid throwing, and other forms of violence against women occur regularly despite laws offering some level of protection. 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. Giving or receiving dowry is a criminal offense, but coercive requests remain a problem. Odhikar noted an increase in

dowry-related violence against women in 2015 compared with earlier years, with 209 cases recorded. A high rate of early marriage persists, with 65 percent of girls married by age 18. Despite a stated government commitment in 2014 to abolish the practice by 2041, a proposal to lower the officially permissible age of marriage from 18 to 16 was still under consideration in 2015.

Bangladesh remains both a major supplier of and transit point for trafficking victims, with tens of thousands of people trafficked each year. Women and children are trafficked both overseas and within the country for the purposes of domestic servitude and sexual exploitation, while men are trafficked primarily for labor abroad. A comprehensive 2013 antitrafficking law provides protection to victims and increased penalties for traffickers. However, training for law enforcement remains inadequate, as does regulation of enterprises such as labor recruitment agencies. The issue received fresh attention in May 2015 after traffickers abandoned thousands of Rohingya migrants at sea. An ensuing campaign against smuggling led to the arrest of dozens, including an alleged kingpin, in September.

Following the 2013 Rana Plaza factory collapse, in which more than 1,100 workers were killed, increased inspections and safeguards instigated by Western apparel companies led to the closure of around 200 of a total of 4,500 factories, according to industry representatives. However, working conditions remain extremely unsafe, and comprehensive reforms of the system are hampered by the fact that a growing number of factory owners are also legislators or influential businesspeople. In May 2015, murder charges were filed against 41 people for their alleged involvement in the Rana Plaza collapse.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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