



European Asylum Support Office

# EASO

## Country of Origin Information Report

### Bangladesh

### Country Overview



December 2017

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## Disclaimer

This report was written according to the EASO COI Report Methodology (2012)<sup>(1)</sup>. The report is based on carefully selected sources of information. All sources used are referenced. To the extent possible and unless otherwise stated, all information presented, except for undisputed or obvious facts, has been cross-checked.

The information contained in this report has been researched, evaluated and analysed with utmost care. However, this document does not claim to be exhaustive. If a particular event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist.

Furthermore, this report is not conclusive as to the determination or merit of any particular claim to refugee status or asylum. Terminology used should not be regarded as indicative of a particular legal position.

'Refugee', 'risk' and similar terminology are used as a generic terminology and not as legally defined in the EU Asylum Acquis and the 1951 Geneva Convention.

Neither EASO nor any person acting on its behalf may be held responsible for the use which may be made of the information contained in this report.

The target users are asylum caseworkers, COI researchers, policymakers, and decision-making authorities.

This report includes events occurring until 22 October 2017, with exception for chapter 20 where research was conducted until 30 November 2017. More information on the reference period for this report can be found in the methodology section of the [introduction](#).

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<sup>(1)</sup> The EASO methodology is largely based on the Common EU Guidelines for processing Country of Origin Information (COI), 2008, and can be downloaded from the EASO website: <http://www.easo.europa.eu>.

## Glossary and Abbreviations

ABT	Ansarullah Bangla Team (Islamist armed group)
Adivasi	Another name for Jumma, an indigenous population in CHT
ADR	Alternative Dispute Resolution
AI	Amnesty International
AL	Bangladesh Awami League (political party)
AQIS	al-Qaeda in the Indian Subcontinent (Islamist armed group)
ASK	Ain o Salish Kendra (a legal aid and human rights NGO)
BBS	Bangladesh Bureau of Statistics
BCL	Bangladesh Chhatra League (student wing of the Awami League)
BEC	Bangladesh Election Commission
<i>Begum</i>	Colloquial term referring to the current and former first ladies of Bangladesh (Begum Khaleda Zia and Begum Rowshan Ershad)
Bihari	An ethnic group
BNP	Bangladesh Nationalist Party (political party)
BSWS	Bandhu Social Welfare Society (a NGO)
BTV	Bangladesh Television
CHT	Chittagong Hill Tracts
COI	Country of Origin Information
DB	Detective Branch (branch of the police)
DGFI	Directorate General of Forces Intelligence, the main military intelligence agency
<i>Fatwas</i>	Religious edicts
<i>Hartal</i>	General strike
<i>Hijras</i>	Transgender community in Bangladesh
HuJI-B	Harkat-ul-Jihad-al Islami Bangladesh (Islamist armed group)
HRW	Human Rights Watch
HT	Hizb ut-Tahrir (Islamist group)
ICS	Islami Chhatra Shibir (student wing of Jamaat-e-Islami)
ILGA	International Lesbian, Gay, Bisexual, Transgender and Intersex Association
<i>Imam</i>	An Islamic leader
IRB	The Immigration and Refugee Board of Canada
IS	Islamic State/Daesh (Islamist armed group)
<i>Jatiya Sangsad</i>	Parliament of Bangladesh
JCD	Jatiyatabadi Chhatra Dal (student wing of the BNP)

Jel	Bangladesh Jamaat-e-Islami (political party)
<i>Jihad</i>	A struggle or fight against the enemies of Islam
JMB	Jama'atul Mujahideen Bangladesh (Islamist armed group)
JMJB	Jagrata Muslim Janata Bangladesh (Islamist armed group)
JP	Jatiya Party (political party)
Jumma	Indigenous community in CHT. Also called Adivasi
LGBT	Lesbian, gay, bisexual, transgender
<i>Madrassa</i>	Arabic word for an educational institution, usually a religious school
<i>Mastan</i>	Local thug
MOHA	Ministry of Home Affairs
MRA	Microcredit Regulatory Authority
MRG	Minority Rights Group International
Neo-JMB	Neo-Jama'atul Mujahideen Bangladesh (Islamist armed group)
NSI	National Security Intelligence, the main civilian intelligence agency
OCHA	UN Office for the Coordination of Humanitarian Affairs
Odhikar	A human rights NGO
OFPRA	French Office for Protection of Refugees and Stateless Persons
Padma	The name of the river Ganges in Bangladesh
PBCP	Purba Bangla Communist Party (Communist armed group)
Poisha/paisa	Currency subdivision; 100 Poisha/paisa equals one Taka
<i>Purdahs</i>	A religious and social practice of female seclusion, that takes two forms: physical segregation of men and women, and the requirement of women to cover their bodies
RAB	Rapid Action Battalion (anti-crime and anti-terrorist unit of the police)
Rajuk	Rajdhani Unnayan Karttripakkha, the Capital Development Authority of Bangladesh
Rohingya	An ethnic minority living predominantly in north-western Rakhine state, Myanmar
RSF	Reporters Without Borders
SAH	Shahadat-e-Al Hikma (Islamist armed group)
SB	Special Branch (the central intelligence agency)
<i>Shalish</i>	Community based justice mechanisms
<i>Sharia</i>	Islamic law
<i>Tahsil</i>	An administrative division on county level
Taka	Bangladesh currency (BDT)
<i>Thanas</i>	Administrative subdistricts
UN	United Nations

UNICEF	UN Children's Fund
<i>Union Parishads</i>	Rural councils
<i>Upazilas</i>	Administrative subdistricts
US DoS	United States Department of State
<i>Zilas</i>	Administrative districts

## Introduction

This report was written in the framework of the EASO Operating Plan to Italy <sup>(2)</sup>. Two COI specialists from Bulgaria and United Kingdom were deployed to the EASO Asylum Support Team to support the Italian COI unit in drafting a report on selected topics on Bangladesh. The co-drafters of this report are mentioned in the [Acknowledgments](#) section.

## Methodology

- **Defining the terms of reference**

In a 'Country Overview' report, EASO aims to provide information on a wide range of topics of particular relevance for international protection status determination (Refugee Status and Subsidiary Protection) for Bangladeshi applicants. It is not meant to be an exhaustive overview of all topics at stake in international protection status determination.

The terms of reference (ToR) were based on a list of information needs provided by Italian asylum authorities, a systematic review of queries from Italian territorial commissions and courts processing applications for international protection from Bangladeshi applicants in 2016 and the first half of 2017, as well as input from COI researchers from EU+ states <sup>(3)</sup> who specialise in Bangladesh. The ToR were finalised during a meeting with the drafters and can be found in [Annex I](#) of this report.

The above-mentioned input indicates that introductory information on a wide range of topics is needed, including general information on a number of specified areas as requested by the Italian National Asylum Commission (NAC).

- **Collecting information**

The information has largely been taken from open sources, such as international and Bangladeshi NGOs, think tanks, media, and academic research. All consulted sources are listed in the bibliography. The majority of the information was researched during the drafting period 4 to 22 September 2017. Some additional information was researched during the implementation phase of the peer-review comments, with the purpose of complementing the existing draft. These sources are clearly identified by their access date in the [Bibliography](#).

No information on events occurring after 22 October 2017 has been included in the report, with the exception of chapter 20. Due to the rapid escalation of the situation concerning Rohingya, it was deemed necessary by both drafters and peer-reviewers to include information beyond the agreed information cut-off date. Research for chapter 20 was conducted until 30 November 2017.

- **Quality control**

In order to ensure that the authors respected the EASO COI Report Methodology, a quality review was carried out by COI specialists from the countries listed as reviewers in the [Acknowledgments](#), and by EASO. All comments made by the reviewers were taken into consideration and most of them were implemented in the final draft of this report.

## Structure of the report

The first chapter of this report provides general country information about the geography, demography and economy in Bangladesh. The second chapter presents the state structures and

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<sup>(2)</sup> EASO, EASO Operating Plan to Italy, 22 December 2016 ([url](#)).

<sup>(3)</sup> EU Member States plus Norway and Switzerland.

political system, followed by political parties in the third chapter. The fourth chapter covers the judiciary and informal justice systems, while chapter five provides references to criminal law. Chapters six to nine focuses on the police and security forces, arrest and detention, prison conditions, and the death penalty, respectively. In chapter ten, a number of non-state armed groups are described as well as recent terrorist attacks. Chapter 11 examines freedom of expression and the media, and chapter 12 covers freedom of religion. Chapter 13 is devoted to the main minority ethnic groups, and chapter 14 and 15 to the situation of women and LGBT persons. Chapter 16 gives information on freedom of movement and chapter 17 is on human trafficking. The last three chapters focus on land disputes, personal loans and debts, and the Rohingya refugee population in Bangladesh.

The terms of reference for this report are included in [Annex I](#), and in [Annex II](#) information is given on a number of specific areas of the country where more information was requested by the Italian National Asylum Commission (NAC).

# Map of Bangladesh

Reproduced courtesy of Maps of World (4).



(4) Maps of World, Bangladesh: Political map showing the international boundary, divisions boundaries with their capitals and national capital, updated 17 May 2017 ([url](#)).

## Other maps of Bangladesh

- A map showing the 64 Districts (*Zilas*) and 490 sub-districts (*Upazilas* or *Thanas*) of the country can be found [here](#) <sup>(5)</sup>.
- Another detailed administrative map, published by Médecins Sans Frontières (MSF), is available on the [Reliefweb](#) website <sup>(6)</sup>.
- The Perry-Castañeda Library Map Collection of the University of Texas – [Bangladesh](#), contains various administrative and topographic maps <sup>(7)</sup>.

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<sup>(5)</sup> Bangladesh Agricultural Research Council, Administrative Unit Map, n.d. ([url](#)).

<sup>(6)</sup> MSF, Bangladesh - Reference Map (as of 19 September 2017), 19 September 2017 ([url](#)).

<sup>(7)</sup> University of Texas at Austin, Perry-Castañeda Library Map Collection – Bangladesh, n.d. ([url](#)).

# 1. General country information

## 1.1 Geography

### 1.1.1 Location

The People's Republic of Bangladesh is located in south Asia and is bordered almost entirely by India, except for a small frontier in the southeast with Myanmar (Burma) and a coastline along the Bay of Bengal in the south. The capital is Dhaka. The country covers an area of 148,460 sq. km <sup>(8)</sup>.

### 1.1.2 Administrative divisions

Bangladesh is divided into eight Divisions, 64 Districts (*Zila*) and 490 sub-districts (*Upazilas* or *Thanas*). There are 11 City Corporations, 318 other urban municipalities and, in rural areas, about 4,500 Union Councils (*Union Parishads*) <sup>(9)</sup>. There are estimated to be 86,000 villages in Bangladesh <sup>(10)</sup>.

A particular name might refer to more than one geographical entity; for example, the City of Chittagong is situated within the District of Chittagong, which is in Chittagong Division <sup>(11)</sup>. The 'Chittagong Hill Tracts' (CHT) area, referred to later in this report, comprises three of the districts in Chittagong Division <sup>(12)</sup>.

### 1.1.3 Climate

According to the UN Food and Agriculture Organisation (FAO), the country has a tropical monsoon climate, with four main seasons: 'i) The pre-monsoon during March-May, which has the highest temperatures and experiences the maximum intensity of cyclonic storms; (ii) the monsoon during June-September, when the bulk of rainfall occurs; (iii) the post-monsoon during October-November which, like the pre-monsoon season, is marked by tropical cyclones on the coast; (iv) the cool and sunny dry season during December-February' <sup>(13)</sup>.

About 80 % of annual rainfall occurs from June to September, the monsoon season <sup>(14)</sup>. Maximum daytime temperatures in Dhaka range from about 25°C in December-January to 33°C in March-May <sup>(15)</sup>.

### 1.1.4 Natural disasters: floods and cyclones

Much of the country is situated within the low-lying delta plains of the Ganges (called the Padma in Bangladesh), the Brahmaputra-Jamuna, and the Meghna river systems. Bangladesh's geographical position makes it one of the most vulnerable countries in the world to climate change and natural disasters such as cyclones and floods <sup>(16)</sup>. Much of the country lies less than 12 metres above sea level

<sup>(8)</sup> CIA, The World Factbook, Geography:Bangladesh, updated 30 August 2017 ([url](#)).

<sup>(9)</sup> Chowdhury, K.A.N., Bangladesh Country Presentation, November 2007 ([url](#)); Bangladesh Local Government Engineering Department: Urban Management Unit, About Us, 2017 ([url](#)).

<sup>(10)</sup> Chowdhury, K.A.N., Bangladesh Country Presentation, November 2007 ([url](#)).

<sup>(11)</sup> Banglapedia, Chittagong Division, 12 October 2014 ([url](#)).

<sup>(12)</sup> Assignment Point, Development of Eco Tourism in Chittagong Hill Tracts Problems and Prospects (Part 1), n.d. ([url](#)).

<sup>(13)</sup> FAO, Ganges-Brahmaputra-Meghna Basin, 2011 ([url](#)).

<sup>(14)</sup> FAO, Ganges-Brahmaputra-Meghna Basin, 2011 ([url](#)).

<sup>(15)</sup> World Weather and Climate Information, Bangladesh, n.d. ([url](#)).

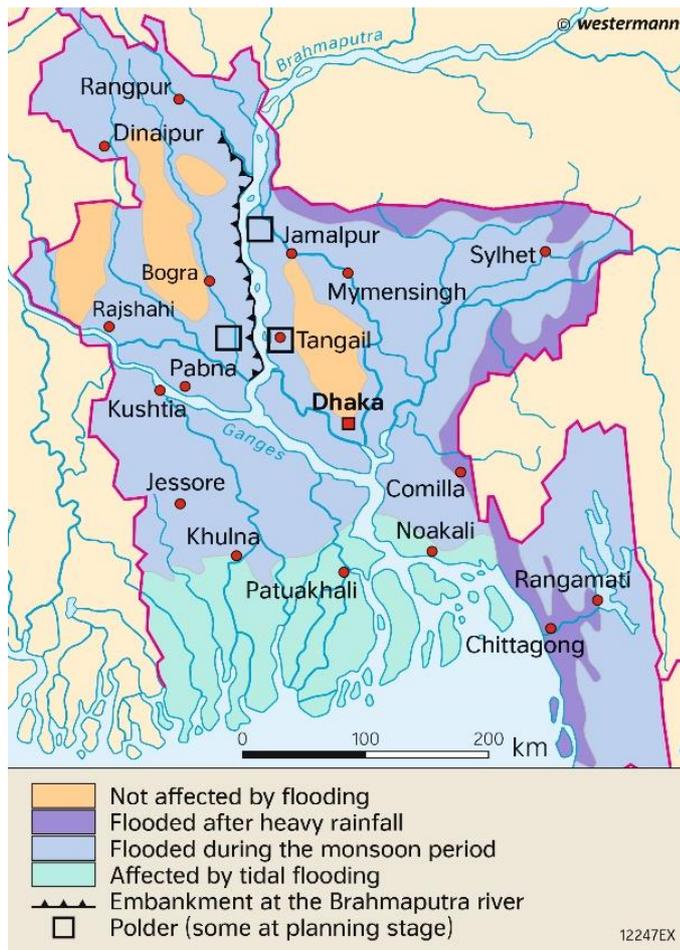
<sup>(16)</sup> FAO, Ganges-Brahmaputra-Meghna Basin, 2011 ([url](#)).

(<sup>17</sup>). In a report published by the Center for Strategic and International Studies, it is observed that the frequency and severity of natural disasters such as floods and cyclones are rapidly escalating, at least partly due to climate change (<sup>18</sup>).

For up to date situation reports and maps, please refer to the Reliefweb, [UN Resident Coordinator for Bangladesh](#) webpage (<sup>19</sup>).

### Monsoon floods

Map showing the regions of the country which are prone to monsoon and other flooding: (<sup>20</sup>)



Flooding is typical for the June-September monsoon season in south Asia, but more severe flooding recently has been attributed by many observers to abnormally high sea and air temperatures, as a phenomenon of global climate change (<sup>21</sup>).

(<sup>17</sup>) Floodmap.net, Elevation and Elevation Maps of Cities/Towns/Villages in Bangladesh, 2014 ([url](#)).

(<sup>18</sup>) Matthews, A., 'Bangladesh's climate change emergency', 1 December 2009 ([url](#)).

(<sup>19</sup>) Reliefweb, UN Resident Coordinator for Bangladesh, regularly updated ([url](#)).

(<sup>20</sup>) Diercke International, Flooding in Bangladesh, 2017 ([url](#)).

(<sup>21</sup>) Pacific Standard, How climate change contributed to massive floods in south Asia, 31 August 2017 ([url](#)).

## The monsoon floods of 2017

In August 2017, Bangladesh (as well as Nepal and parts of India) experienced the worst monsoon floods in over 40 years. The Bangladesh Humanitarian Coordination Task Team reported on 4 September that an estimated 101,683 houses had been destroyed and 619,834 were partially damaged; 145 people were known to have lost their lives. The floods had affected 32 districts in the northern, north eastern and central parts of Bangladesh due to the overflowing of the Brahmaputra-Jamuna river, affecting more than eight million people. As 65,000 drinking wells were submerged and hundreds of medical clinics were destroyed, waterborne diseases spread rapidly. The government dispatched 2,939 emergency medical teams to villages across the affected districts. But it was feared that serious food insecurity would follow the floods; much of the year's rice crop had already been lost to flash floods in April 2017 <sup>(22)</sup>.

## Cyclones

Cyclones are severe tropical storms that cause flooding in the southern coastal areas. Bangladesh and the surrounding region have been struck by devastating tropical cyclones that have caused great loss of life and property. Most of the damage is caused by water in the form of storm surges. The 1970 Bhola Cyclone killed approximately 500,000 people, while a 1991 cyclone caused the deaths of over 125,000 and left nearly 10 million people homeless. The government has attempted to prepare for future cyclones by building more than 2,500 elevated cyclone shelters in vulnerable coastal areas and through a re-forestation program in the south of the country <sup>(23)</sup>.

In June 2017 Cyclone Mora struck the coast around Cox's Bazar in the south east, bringing 117 km/h winds and heavy rain, and tore into the makeshift settlements and host communities housing over 130,000 Rohingya refugees from Myanmar. The storm destroyed 25 % of all shelters and left up to 80 % damaged <sup>(24)</sup>. Although 350,000 people from the wider region were evacuated from low-lying areas ahead of Cyclone Mora's arrival, at least seven people lost their lives and many fishermen were reported missing <sup>(25)</sup>.

## 1.2 Demographics

### 1.2.1 Population

The Bangladesh 2011 Population & Housing Census, published in 2012 by the Bangladesh Bureau of Statistics (BBS), estimated the total population of Bangladesh as 149.8 million, as of March 2011. There were 1,015 people per sq. km. <sup>(26)</sup>, making Bangladesh one of the most densely populated countries in the world. The UN Population Division estimated that the country's population had reached 162.9 million by July 2016 <sup>(27)</sup>. About 34 % of all people lived in urban areas in 2015. The population of the metropolitan area of Dhaka was approximately 17.6 million in 2015; the other major

<sup>(22)</sup> i-News, Floods in Texas are incomparable with those currently engulfing Bangladesh, 31 August 2017 ([url](#)).

<sup>(23)</sup> Bangladesh.com, Bangladesh - Cyclones and Floods, n.d. ([url](#)).

<sup>(24)</sup> IOM, UN Migration Agency Seeks Funding for Displacement Settlements in Bangladesh Hit by Cyclone Mora, 2 June 2017 ([url](#)).

<sup>(25)</sup> BBC News, Cyclone Mora: Bangladesh fishermen missing after storm, 1 June 2017 ([url](#)).

<sup>(26)</sup> BBS, Population and Housing Census (summary), 2011 ([url](#)).

<sup>(27)</sup> United Nations Department of Economic and Social Affairs, 2017 Revision of World Population Prospects ([url](#)).

cities and their population estimates as of 2015 are Chittagong - 4,5 million; Khulna - 1 million; Rajshahi - 0.8 million <sup>(28)</sup>; and the city of Sylhet - 0.5 million <sup>(29)</sup>.

### 1.2.2 Languages

Over 95 % of people speak Bangla (Bengali), or one of its regional dialects, as their first language <sup>(30)</sup>. The Constitution provides that Bangla is the official state language <sup>(31)</sup>.

Many of the indigenous communities (Jumma) in the CHT area and in the north of the country have their own language or dialect. According to Ethnologue, there are 36 such languages <sup>(32)</sup>.

There are some 250,000-300,000 Biharis in Bangladesh (see [section 13.2](#)), whose primary language is Urdu <sup>(33)</sup>.

English is widely used for official purposes <sup>(34)</sup>.

### 1.2.3 Religion

According to the 2011 census, Sunni Muslims constitute 90 % of the population and Hindus make up 9.5 %. The remainder of the population is predominantly Christian and Buddhist. There are also small numbers of Shia Muslims, Ahmadiyya Muslims, Baha'is, agnostics and atheists, who estimate their numbers at between a few thousand and 100,000 adherents (see also [section 12](#)) <sup>(35)</sup>.

### 1.2.4 Education and Literacy

Primary education is free and compulsory until the end of fifth grade (fifth year), and the government offers subsidies to parents to keep girls in class until the 10th grade. Enrollments in primary schools showed gender parity in 2016, but completion rates fell in secondary school with more girls than boys at the secondary level. Government incentives to families to send children to school have contributed significantly to increased primary school enrollment in recent years, but additional fees sometimes charged at the local level, such as cost of uniforms, have created barriers to access for the poorest families <sup>(36)</sup>.

In 2016, it was estimated that 72.8 % of adults aged over 15 years 'could read and write'; 75.6 % of men and 69.9 % of women <sup>(37)</sup>.

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<sup>(28)</sup> CIA, The World Factbook, People and Society: Bangladesh, updated 30 August 2017 ([url](#)).

<sup>(29)</sup> Sylhet City Corporation, Welcome to Sylhet City Corporation..., n.d. ([url](#)).

<sup>(30)</sup> CIA, The World Factbook, People and society: Bangladesh, updated 30 August 2017 ([url](#)); World Atlas, Which languages are spoken in Bangladesh?, 1 August 2017 ([url](#)).

<sup>(31)</sup> Bangladesh, The Constitution of the People's Republic of Bangladesh (Part 1), 1972 (amended 2011) ([url](#)).

<sup>(32)</sup> Ethnologue Languages of the World, Bangladesh, n.d. ([url](#)).

<sup>(33)</sup> MRG, World Directory of Minorities and Indigenous Peoples: Bangladesh – Biharis, n.d. ([url](#)).

<sup>(34)</sup> World Atlas, Which languages are spoken in Bangladesh?, 1 August 2017 ([url](#)).

<sup>(35)</sup> US DoS, 2016 Report on International Religious Freedom - Bangladesh, August 2017 ([url](#)).

<sup>(36)</sup> US DoS, 2016 Country Reports on Human Rights Practices - Bangladesh, 3 March 2017 ([url](#)).

<sup>(37)</sup> CIA, The World Factbook, People and Society: Bangladesh, updated 30 August 2017 ([url](#)).

## 1.3 Economy

### 1.3.1 Overview

Information from the World Bank shows that Bangladesh has achieved strong economic growth in recent years. GDP growth has averaged over 6 % per annum over the past 10 years, reaching 7.1 % in 2015/2016 <sup>(38)</sup>.

At the same time, the country has made substantial progress in reducing the poverty rate. Based on the international poverty line of USD 1.90 per person per day, Bangladesh reduced poverty from 44.2 % in 1991 to 18.5 % in 2010, and it was projected to decrease to 12.9 % in 2016. However, about 28 million people (about 20 %) still live below the poverty line. In parallel with economic growth, life expectancy, literacy rates and per capita food production have increased <sup>(39)</sup>.

Almost half of all Bangladeshi workers are in the agriculture sector, but this sector generates only 14.8 % of total GDP. Garment manufacturing is the backbone of Bangladesh's industrial sector and accounts for more than 80 % of the country's exports <sup>(40)</sup>.

For the period between July 2016 to June 2017, remittances from Bangladeshis working in other countries amounted to USD 12,770 million (€10,600 million)<sup>(41)</sup>, according to the Bangladesh Bank <sup>(42)</sup>.

### 1.3.2 Currency

The unit of currency in Bangladesh is the Taka (BDT), which is divided into 100 *poisha/paisa* <sup>(43)</sup>. The rate of exchange as of 7 September 2017 was 1 EUR = 98.0 Taka <sup>(44)</sup>.

## 2. State structures and political system

### 2.1 The Constitution

The Constitution of the People's Republic of Bangladesh was approved by a Constituent Assembly and came into effect on 16 December 1972. The Constitution was fundamentally amended in January 1975 to abandon the parliamentary system and introduce a one-party presidential system under martial law. Martial Law Regulations and Ordinances were confirmed and ratified by the Constitution (Seventh Amendment) Act, 1986. A multi-party presidential form of government continued until 1991 when the Constitution was again amended in favour of a parliamentary system of government <sup>(45)</sup>. Bangladeshi President Hussein Mohammed Ershad lifted the martial law on 11 November 1986, after parliament passed legislation protecting him and others from prosecution for actions taken under 4 <sup>1/2</sup> years of military rule <sup>(46)</sup>. A multi-party presidential form of government continued until

<sup>(38)</sup> The World Bank, The World Bank in Bangladesh: Overview, n.d. ([url](#)).

<sup>(39)</sup> The World Bank, The World Bank in Bangladesh: Overview, n.d. ([url](#)).

<sup>(40)</sup> CIA, The World Factbook, Economy: Bangladesh, updated 30 August 2017 ([url](#)).

<sup>(41)</sup> XE.com, Exchange rate on 8 September 2017.

<sup>(42)</sup> Bangladesh Bank (Central Bank of Bangladesh), Monthly data of Wage earner's remittance, August 2017 ([url](#)).

<sup>(43)</sup> OANDA, Bangladeshi Taka, n.d. ([url](#)).

<sup>(44)</sup> XE.com, XE Currency Converter ([url](#)).

<sup>(45)</sup> Banglapedia, Constitution, 5 May 2014 ([url](#)).

<sup>(46)</sup> The Washington Post, Martial Law Ends in Bangladesh, 11 November 1986 ([url](#)).

1991 when the Constitution was again amended in favour of a parliamentary system of government<sup>(47)</sup>. The Constitution was initially based on the fundamental principles of nationalism, socialism, democracy and secularism, but in 1977 an amendment replaced secularism with Islam. A further amendment in 1988 established Islam as the state religion<sup>(48)</sup>. Under the 15th Amendment to the Constitution of 2011, Article 2a was amended to read: ‘The state religion of the Republic is Islam, but the State shall ensure equal status and equal right in the practice of the Hindu, Buddhist, Christian and other religions’<sup>(49)</sup>.

Article 142 provides that the support of at least two thirds of Members of Parliament is required for an amendment to the Constitution<sup>(50)</sup>.

The full [constitution](#)<sup>(51)</sup> in English is accessible on the ‘Laws of Bangladesh’ website, as well as all [laws and ordinances](#)<sup>(52)</sup>.

## 2.2 Parliament (legislature)

The Parliament of Bangladesh, the *Jatiya Sangsad*, is a unicameral legislature with 350 members, 300 of whom represent territorial constituencies. Members are elected on the basis of universal adult franchise for a 5-year term. The remaining 50 seats are currently reserved for women, who are nominated by the 300 elected members in proportion to each party’s representation<sup>(53)</sup>.

The 300 members are elected through the ‘first past the post’ system<sup>(54)</sup>, which in practice tend to favour the two main political parties and their alliances<sup>(55)</sup>. See also section [Section 3 Political parties](#).

Party unity in Parliament is assured by Article 70 of the Constitution, which states that an MP must vacate his/her seat if they vote against their party<sup>(56)</sup>.

Parliament forms a number of standing Committees and it has limited oversight on executive power<sup>(57)</sup>.

Transparency International Bangladesh stated in 2014:

‘Constitutional and legal provisions in Bangladesh provide for a strong parliamentary form of Government. However, confrontational politics, a poor parliamentary culture and the dominant attitude of the party in power and the culture of boycott by the opposition tend to mar the spirit and modality of the operational business of the Parliament. Parliamentary control over the executive is weak and evidence suggests that critical issues are rarely discussed in Parliament. Citizens are devoid of any means to hold elected representatives to

<sup>(47)</sup> Banglapedia, Constitution, 5 May 2014 ([url](#)).

<sup>(48)</sup> Al Jazeera, Bangladesh court upholds Islam as religion of the state, 28 March 2016 ([url](#)).

<sup>(49)</sup> Bangladesh, The Constitution of the People’s Republic of Bangladesh, 1972 (amended 2011) ([url](#)).

<sup>(50)</sup> Bangladesh, The Constitution of the People’s Republic of Bangladesh, 1972 (amended 2011) ([url](#)).

<sup>(51)</sup> Bangladesh, The Constitution of the People’s Republic of Bangladesh, 1972 (amended 2011) ([url](#)).

<sup>(52)</sup> Bangladesh, Laws of Bangladesh, n.d. ([url](#)).

<sup>(53)</sup> Bangladesh Parliament, Name and Composition of Parliament, 2013 ([url](#)), accessed 11 September 2017

<sup>(54)</sup> ‘First past the post’ means that in each constituency, the candidate with the most votes wins and all other votes are disregarded. See Telegraph (The), What is the ‘First Past The Post’ voting system?, 9 June 2017 ([url](#)).

<sup>(55)</sup> CPD-CMI, The Parliament of Bangladesh: Representation and Accountability, Working Paper 2, April 2012 ([url](#)).

<sup>(56)</sup> UNDP, Elections in Bangladesh 2006 – 2009, Transforming failure into success, 2010 ([url](#)), p. 20.

<sup>(57)</sup> UNDP, Elections in Bangladesh 2006 – 2009, Transforming failure into success, 2010 ([url](#)), p. 20.

account. MPs are reportedly engaged often in patronage distribution and corruption, undermining the law making responsibility<sup>(58)</sup>.

## 2.3 The Prime Minister

Executive power is concentrated in the hands of the Prime Minister and her/his cabinet. Legislation is initiated mainly in the ministries rather than in Parliament. The executive branch determines government policies and supervises the execution of those policies and enforcement of the laws<sup>(59)</sup>. The executive branch also has full control of the military and security forces<sup>(60)</sup>.

Under the Constitution, the cabinet is collectively responsible to the Parliament. Parliament is authorised to examine every action of the government. But, in practice, the Prime Minister largely dominates Parliament's functions<sup>(61)</sup>. Regular opposition boycotts of the Parliament has hindered its ability to scrutiny the government's actions<sup>(62)</sup>.

Sheikh Hasina Wazed, the current prime minister and leader of the Awami League party, is the daughter of Sheikh Mujibur Rahman, who led Bangladesh's separation from Pakistan in 1971. Hasina has served as prime minister from 1996 to 2001, and from 2009 to date<sup>(63)</sup>.

## 2.4 The President

The post of President is mainly ceremonial, but he/she does in theory have powers of appointment of the prime minister and all the ministers, and has increased authority during elections, including over the armed forces. The President also appoints judges and can grant pardons and suspend sentences passed by any courts. In reality, however, most functions and powers are exercised on the advice of the Prime Minister<sup>(64)</sup>.

## 2.5 Elections

### 2.5.1 Electoral Commission

The Election Commission of Bangladesh (BEC) is an independent constitutional body mandated to implement Election law<sup>(65)</sup>. It is responsible for holding and supervising national and local government elections, delimitating constituencies, preparing electoral rolls, reporting election results and establishing tribunals to settle disputes. The BEC is composed of a Chief Election Commissioner and not more than four Election Commissioners, all appointed by the President, and is constitutionally bound by oath to ensure free and transparent elections to the *Jatiya Sangsad* and the office of President<sup>(66)</sup>. But critics have, in recent years, questioned the political neutrality of the members of the Election Commission<sup>(67)</sup>.

<sup>(58)</sup> Transparency International Bangladesh, National Integrity System Assessment – Bangladesh, 2014 ([url](#)), p. 6.

<sup>(59)</sup> Daily Star (The), Our All-powerful PM, 1 April 2013 ([url](#)); Nexus Commonwealth Network (The), Government, n.d. ([url](#)).

<sup>(60)</sup> US DoS, Country Report on Human Rights Practices 2016 - Bangladesh, 3 March 2017 ([url](#)).

<sup>(61)</sup> Daily Star (The), Our All-powerful PM, 1 April 2013 ([url](#)).

<sup>(62)</sup> Freedom House, Freedom in the World 2017 - Bangladesh, 2 June 2017 ([url](#)).

<sup>(63)</sup> Encyclopaedia Britannica, Sheikh Hasina Wazed, prime minister of Bangladesh, n.d. ([url](#)).

<sup>(64)</sup> Daily Star (The), Our All-powerful PM, 1 April 2013 ([url](#)); Nazrul, A., Can the president actually do anything?, Prothom Alo, 21 December 2016 ([url](#)).

<sup>(65)</sup> BEC, *Home*, 2015 ([url](#)).

<sup>(66)</sup> BEC, *Election Commission Bangladesh*, 2015 ([url](#)); UNDP, Elections in Bangladesh 2006 – 2009, Transforming failure into success, 2010 ([url](#)), p. 6.

<sup>(67)</sup> Transparency International Bangladesh, National Integrity System Assessment – Bangladesh, 2014 ([url](#)), p. 175.

## 2.5.2 Caretaker Government

The Constitution, following the Thirteenth Amendment in 1996, provided for the appointment of a neutral non-party caretaker government, to take office at the end of an elected government's tenure and to assist the Election Commission (BEC) to hold free and fair elections within 90 days of the dissolution of Parliament. The system was designed to ensure the neutrality of the executive and to guarantee a level playing field for all candidates and parties during the election period. Caretaker governments were headed by a Chief Adviser, who had the powers of a prime minister<sup>(68)</sup>. Three parliamentary elections were held under a caretaker government. The system was abolished in 2011, though the major political parties were not in agreement<sup>(69)</sup>. This led to a boycott by the Bangladesh National Party (BNP) in the general elections of 2014<sup>(70)</sup>. See section [3.2 The 2014 General Election](#).

## 3. Political parties

Bangladesh is a multi-party democracy and the political culture is characterised by violence and confrontation. According to the legal aid and human rights NGO Ain o Salish Kendra (ASK), during the period January-August 2017 there were 234 incidents of political violence, resulting in 39 deaths and 3,129 people injured<sup>(71)</sup>. The Bangladeshi human rights organisation Odhikar has characterised the political situation as 'extremely violent' since 2013<sup>(72)</sup>.

According to Transparency International Bangladesh, state power has typically been used by the party in power to intimidate or suppress political opposition<sup>(73)</sup>. In 2016, Freedom House reported a rise in arrests and harassment of prominent members of the opposition Bangladesh Nationalist Party (BNP) and parties allied with it. The harassment of the opposition is described by Freedom House as 'widespread'<sup>(74)</sup>. Odhikar reported that the government is using law enforcement forces to suppress political opponents with impunity<sup>(75)</sup>.

The two main political parties, the Awami League (AL) and the Bangladesh Nationalist Party (BNP), are 'dynastic'; each is run by a prominent political family. There is also a strong personal antipathy between the two women (the two '*begums*') at the head of each of those families/parties<sup>(76)</sup>.

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<sup>(68)</sup> Banglapedia, Caretaker Government, 26 March 2014 ([url](#)); Ahmed, N., The need for non-party caretaker government in Bangladesh, 15 April 2013 ([url](#)).

<sup>(69)</sup> Prodip, M.M.A. and Rabbani, G., 'Abolition of Non-party Caretaker Government system in Bangladesh: Controversy and Reality', July 2014 ([url](#)).

<sup>(70)</sup> HRW, Democracy in the Crossfire: Opposition Violence and Government Abuses in the 2014 Pre- and Post- Election Period in Bangladesh, 29 April 2014 ([url](#)); BBC News, Bangladesh ends caretaker government arrangement, 30 June 2011 ([url](#)).

<sup>(71)</sup> ASK, Political Violence: January-August 2017, 14 September 2017 ([url](#)).

<sup>(72)</sup> Odhikar, Bangladesh Annual Human Rights Report 2016, 1 January 2017 ([url](#)), p. 7.

<sup>(73)</sup> Transparency International Bangladesh, *National Integrity System Assessment – Bangladesh*, 2014 ([url](#)), p. 18.

<sup>(74)</sup> Freedom House, Freedom in the World 2017 - Bangladesh, 2 June 2017 ([url](#)).

<sup>(75)</sup> Odhikar, Bangladesh Annual Human Rights Report 2016, 1 January 2017 ([url](#)), p. 14.

<sup>(76)</sup> CMI, Dynasty or democracy? Party politics in Bangladesh, November 2013 ([url](#)).

## 3.1 The main political parties and alliances

### 3.1.1 The Bangladesh Awami League (AL)

The Awami League (AL), led by the current Prime Minister Sheikh Hasina, has been in power since the general election (parliamentary elections) of 2008 <sup>(77)</sup>.

The AL was formed in 1949 under Sheikh Mujibur Rahman ('Mujib') and was the first ruling party upon the establishment of Bangladesh in 1971. Mujib became Prime Minister after his release from prison in January 1972 and he assumed the Presidency in January 1975, but was assassinated seven months later in a military coup that overthrew his government. The AL returned to power in 1996 and ruled until its defeat by the BNP in the 2001 elections, after which it formed and led a 14-party opposition alliance. The 14-Party Alliance won the parliamentary elections in 2008 and 2014 and remains in power in 2017. Prime Minister Sheikh Hasina is the daughter of Sheikh Mujibur Rahman <sup>(78)</sup>.

The party's website states that the Awami League is a 'secular democratic party' <sup>(79)</sup>. The Chr. Michelsen Institute (CMI) describes the party as 'centre-left and secular' <sup>(80)</sup>.

Main formations associated with the party are:

#### The 14-Party Alliance

Also called the 'Grand Alliance', it consists of the Awami League, Jatiya Samajtantrik Dal, Workers Party, Bangladesh Tariqat Federation and 10 other parties <sup>(81)</sup>.

In the January 2014 general election, the Awami League (and the 14 Party Alliance) won 233 of the 300 unreserved parliamentary seats, although the election was boycotted by the opposition parties (see [3.2 The 2014 General Election](#)) <sup>(82)</sup>.

#### Bangladesh Chhatra League (BCL)

The Chhatra League is the student wing of the AL founded in 1948 and is active on college and university campuses. It has a President, Vice President and a 301-member Central Committee. Sheikh Hasina appoints Chhatra League leaders on the advice of local AL leaders. Members do not pay fees <sup>(83)</sup>. The Dhaka Tribune has noted that, in recent years, the Chhatra League's image has been tarnished because of its leaders and activists getting involved in violence, extortion and other criminal activities <sup>(84)</sup>.

#### Other Awami League organisations <sup>(85)</sup>

Other associate organisations of the Awami League include:

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<sup>(77)</sup> Economist Intelligence Unit (The), Political forces at a glance, 9 May 2013 ([url](#)); Commonwealth (The), Bangladesh : Constitution and politics, n.d. ([url](#)).

<sup>(78)</sup> Encyclopaedia Britannica, Mujibur Rahman, President of Bangladesh, n.d. ([url](#)).

<sup>(79)</sup> Awami League (official website), A step towards secularization, 13 August 2013 ([url](#)).

<sup>(80)</sup> CMI, Dynasty or democracy? Party politics in Bangladesh, November 2013 ([url](#)).

<sup>(81)</sup> Dhaka Tribune (The), Allies plan to ask Awami League for 100 seats in the next polls, 5 October 2017 ([url](#)).

<sup>(82)</sup> World Bulletin, Bangladeshi PM calls for dialogue amid controversial polls, 7 January 2014 ([url](#)); Election Guide, Election for Bangladeshi National Parliament, n.d. ([url](#)).

<sup>(83)</sup> Dhaka Tribune (The), BCL full-fledged central committee announced, 22 February 2016 ([url](#)).

<sup>(84)</sup> Dhaka Tribune (The), Chhatra League continues to be violent, 21 November 2014 ([url](#)).

<sup>(85)</sup> List courtesy of Australia: DIBP, Issues paper on Political Violence in Bangladesh, 2016, unpublished report.

- Bangladesh Awami Jubo League – AL youth wing;
- Bangladesh Mahila Awami League – womens wing;
- Awami Swechhashebok League - volunteer wing;
- Bangladesh Krishok League – farmers wing;
- Jatiyo Sramik League – workers/labour wing;
- Awami Ainjibee Parishad - lawyers wing <sup>(86)</sup>.

### 3.1.2 Bangladesh Nationalist Party (BNP)

The Bangladesh Nationalist Party (Bangladesh Jatiyatabadi Dal – BNP) was formed in 1978 by then-President of Bangladesh Ziaur Rahman and those who had supported him in his election campaign. Ziaur Rahman was assassinated by military officers in 1981. His widow, Khaleda Zia, became party leader in February 1984. She twice served as the Prime Minister of Bangladesh, from 1991 to 1996, and again between 2001 and 2006 <sup>(87)</sup>. As noted below, the BNP and its allies boycotted the 2014 General Election and presently has no seats in Parliament <sup>(88)</sup>.

Various sources quoted by the Immigration and Refugee Board of Canada (IRB) described the party as ‘center-right’ <sup>(89)</sup>.

#### The 18-Party Alliance

In April 2012, opposition leader Khaleda Zia confirmed an ‘18-Party Alliance’ comprising the BNP, Jamaat-e-Islami, Islami Oikya Jote (later withdrawn), Bangladesh Jatiya Party (BJP), Jamiyate Ulamaye Islam, Khilafat Majlish, Liberal Democratic Party, Kalyan Party, Jatiya Ganatantrik Party, National People’s Party, Bangladesh Labour Party, National Democratic Party, Bangladesh NAP, Muslim League, Islamic Party, National Awami Party and People’s League <sup>(90)</sup>.

Jamaat-e-Islami, a member of the 18 Party Alliance, is a major political party with Islamist policies <sup>(91)</sup>.

#### Jatiyatabadi Chhatra Dal (JCD) – student wing of the BNP

Founded in 1979, the BNP constitution describes the JCD as an ‘associate organisation’ which operates according to its own constitution <sup>(92)</sup>.

#### Other BNP organisations

The BNP’s Constitution states that ‘front organizations’ for the BNP have their own ‘proclamation, constitution, flag and office,’ but ‘fall under the discipline’ of the BNP. These organisations include:

- Jatiyatabadi Jubo Dal (JJD) – BNP youth wing;

<sup>(86)</sup> Awami League (official website), Constitution of the Bangladesh Awami League, 3 March 2017 ([url](#)); Canada: IRB, Bangladesh: The Awami League (AL); its leaders; subgroups, including its youth wing; activities; and treatment of AL supporters by the authorities (2004-2006), 27 July 2006 ([url](#)).

<sup>(87)</sup> Banglapedia, Bangladesh Nationalist Party, 22 February 2015 ([url](#)).

<sup>(88)</sup> HRW, Democracy in the Crossfire: Opposition Violence and Government Abuses in the 2014 Pre- and Post- Election Period in Bangladesh, 29 April 2014 ([url](#)).

<sup>(89)</sup> Canada: IRB, Bangladesh: Bangladesh Nationalist Party (BNP), including its structure, leaders, membership and membership documents, factions, associated organizations and activities; treatment of members and supporters by authorities (September 2012-2015), 31 August 2015 ([url](#)).

<sup>(90)</sup> BdNews24.com, BNP-led 18-Party Alliance emerges, 18 April 2012 ([url](#)).

<sup>(91)</sup> Canada: IRB, Bangladesh: The Jamaat-ul-Mujahideen Bangladesh (JMB), including operational capacity, areas of operation, and activities (2015-November 2016), 15 November 2016 ([url](#)).

<sup>(92)</sup> BNP, Constitution, n.d. ([url](#)).

- Bangladesh Jatiyatabadi Mohila Dal – women’s wing;
- Bangladesh Jatiyatabadi Krishak Dal – farmers wing;
- Bangladesh Jatiyatabadi Muktijoddha Dal – freedom fighters wing;
- Bangladesh Jatiyatabadi Sechchasebak Dal – volunteers wing;
- Bangladesh Jatiyatabadi Samajik Sangskritik Sangstha – cultural wing;
- Bangladesh Jatiyatabadi Sramik Dal – workers/labour wing <sup>(93)</sup>;
- Bangladesh Jatiyatabadi Tanti Dal – weavers wing;
- Bangladesh Jatiyatabadi Olama Dal – religious wing;
- Bangladesh Jatiyatabadi Matshayajibi Dal – fishermen wing <sup>(94)</sup>.

## 3.2 The 2014 General Election

Parliamentary elections were held on 5 January 2014. On 2 December 2013, following weeks of protests, the 18-Party Alliance led by the BNP announced that it would boycott the elections. The BNP’s main demand was that Prime Minister Hasina resign and appoint a neutral Caretaker Government to oversee the forthcoming elections (see section [2.5.2 Caretaker Government](#)), but the AL declared itself to be in favour of an independent election commission instead of a Caretaker Government, which led to a deadlock. Jamaat-e-Islami, the country’s largest religious party, was disqualified from participating in the 2014 election after the Supreme Court and the Election Commission ruled that its charter violated the constitution <sup>(95)</sup>.

Voting took place in only 147 of the 300 constituencies; candidates for the other 153 seats were elected unopposed due to the opposition boycott <sup>(96)</sup>. The AL and its allies won 233 seats, the Jatiya Party (Manju) won 34 seats and two smaller parties, the Worker’s Party of Bangladesh and the National Socialist Party, secured the remaining seats. Turnout among registered voters was much lower than in previous parliamentary elections <sup>(97)</sup>.

## 3.3 Violence between the supporters of different political parties (inter-party violence)

### 3.3.1 Violence before and during the 2014 General Election

In February 2013, what is known as the Shabag protests broke out, triggered by the sentencing of a Jamaat-e-Islami leader to life imprisonment for war crimes. Hundreds of thousands protested across the country for and against the sentencing. The protests escalated into violence and according to Human Rights Watch (HRW), more than 150 were killed and at least 2000 were injured in connection to the protests during the period February to early May 2013 <sup>(98)</sup>.

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<sup>(93)</sup> Canada: IRB, Bangladesh: Bangladesh Nationalist Party (BNP), including its structure, leaders, membership and membership documents, factions, associated organizations and activities; treatment of members and supporters by authorities (September 2012-2015), 31 August 2015 ([url](#)); BNP, Constitution, n.d. ([url](#)); English descriptions courtesy of Australia: DIBP, Issues paper on Political Violence in Bangladesh, 2016, unpublished report..

<sup>(94)</sup> BNP, Constitution, n.d. ([url](#)); International Institute for Democracy and Electoral Assistance, Bangladesh Country Report based on Research and Dialogue with Political Parties, 2006 ([url](#)), p. 26; New Age, BNP, fronts run by old committees, 20 January 2016 ([url](#)).

<sup>(95)</sup> HRW, Democracy in the Crossfire: Opposition Violence and Government Abuses in the 2014 Pre- and Post- Election Period in Bangladesh, 29 April 2014 ([url](#)).

<sup>(96)</sup> CNN, Bangladesh ruling party wins elections marred by boycott, violence, 7 January 2014 ([url](#)).

<sup>(97)</sup> Election Guide, People’s Republic of Bangladesh: Election for Jatiya Sangsad, 5 January 2014 ([url](#)).

<sup>(98)</sup> HRW, Blood on the Streets - The Use of Excessive Force During Bangladesh Protests, 1 August 2013 ([url](#)).

HRW observed that, in an effort to pressure the Government to hand over power to a caretaker government prior to the General Election, the opposition alliance organised general strikes (*hartals*), demonstrations and traffic blockades which often turned violent. These protests started in October 2013 and had a significant impact on the country's economy. Rioters in several areas attacked the homes of Hindus, who were traditionally considered to be Awami League voters<sup>(99)</sup>.

Opposition activists also attacked polling stations and election officials on and before election day, killing three election officials and injuring 330 other election and law enforcement officers. In response, Bangladesh's security forces launched a 'brutal crackdown' on opposition activists, as described by HRW<sup>(100)</sup>.

According to the Bangladeshi human rights NGO Odhikar, a total of 504 people were killed in political violence in 2013, most of them ahead of the January 2014 elections<sup>(101)</sup>.

The election has been referred to as the most violent ever in Bangladeshi history<sup>(102)</sup>.

### 3.3.2 Ongoing violence

During 2015, 197 people were killed in political violence, followed by 215 deaths in 2016, according to Odhikar. In 2016 there were 9,053 injuries in politically-motivated violence. Much of this violence took place in clashes involving the student organisations of political parties<sup>(103)</sup>. Note that there are large variances in the number of casualties of politically-motivated violence as reported by different NGOs. Figures quoted by ASK, as legal aid and human rights NGO, differ substantially from those of Odhikar<sup>(104)</sup>.

*Union Parisad* (rural council) elections in 2016 were marked by widespread chaos and violence. According to ASK, a total of 147 people lost their lives in clashes associated with these elections<sup>(105)</sup>.

## 3.4 Violence between factions of the same party (intra-party violence)

Odhikar reported that in 2016, 76 persons were killed in clashes between members, supporters, and factions of the same party. Internal conflict inside the Awami League resulted in 73 deaths and 3,586 injuries, while the other 3 dead were BNP members<sup>(106)</sup>. Members of the Bangladeshi press informed the UK Home Office in May 2017 that there were no real ideological differences between factions within the AL or BNP, and that disputes have primarily been about 'control and power'<sup>(107)</sup>.

<sup>(99)</sup> HRW, Democracy in the Crossfire: Opposition Violence and Government Abuses in the 2014 Pre- and Post- Election Period in Bangladesh, 29 April 2014 ([url](#)), Summary.

<sup>(100)</sup> HRW, Democracy in the Crossfire: Opposition Violence and Government Abuses in the 2014 Pre- and Post- Election Period in Bangladesh, 29 April 2014 ([url](#)), Summary.

<sup>(101)</sup> Odhikar, Bangladesh: Annual Human Rights Report 2016, 1 January 2017 ([url](#)), p.11.

<sup>(102)</sup> AP, Bangladesh election violence throws country deeper into turmoil, 6 January 2014 ([url](#)); International Crisis Group, Mapping Bangladesh's Political Crisis, 9 February 2015 ([url](#)).

<sup>(103)</sup> Odhikar, Bangladesh: Annual Human Rights Report 2016, 1 January 2017 ([url](#)), p.11.

<sup>(104)</sup> ASK, Political Violence : January-December 2016, 8 January 2017 ([url](#)).

<sup>(105)</sup> ASK, Human Rights Situation in Bangladesh 2016 : An Analysis by Ain o Salish Kendra (ASK), 28 March 2017 ([url](#)).

<sup>(106)</sup> Odhikar, Bangladesh: Annual Human Rights Report 2016, 1 January 2017 ([url](#)), p.11.

<sup>(107)</sup> UK: Home Office, Report of a Home Office Fact-Finding Mission to Bangladesh, conducted 14-26 May 2017, September 2017 ([url](#)).

## 4. The Judiciary and informal justice systems

The legal and judicial system of Bangladesh originates mainly from two hundred years of British rule in the Indian Sub-Continent, although some elements stem from earlier Hindu and Muslim periods. Bangladesh's legal system has evolved through indigenous and foreign processes, resulting in a mixed judicial system. Its structure, legal principles and concepts contain elements from both the Indo-Mughal and English legal systems <sup>(108)</sup>.

The International Crisis Group has noted that the criminal justice system in Bangladesh is based mainly on the 1860 Penal Code, the 1872 Evidence Act and the 1898 Code of Criminal Procedure (CrPC), all derived from British colonial rule in India <sup>(109)</sup>.

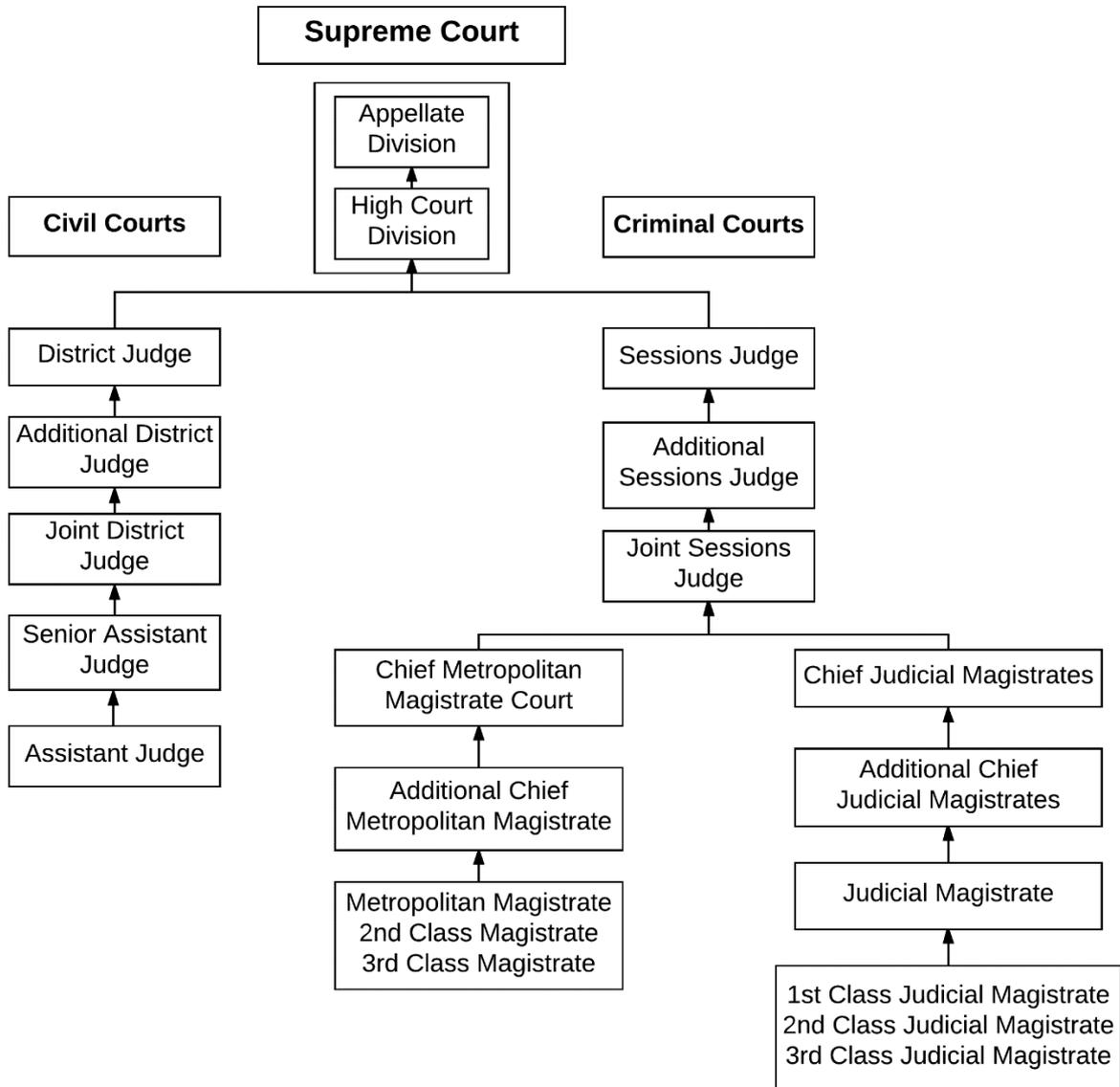
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<sup>(108)</sup> Nabi Khan, T., The Judiciary of Bangladesh, 2014 ([url](#)); Judicial Portal Bangladesh, History of Judiciary of Bangladesh, last updated on 2 May 2017 ([url](#)).

<sup>(109)</sup> International Crisis Group, Political Conflict, Extremism and Criminal Justice in Bangladesh, 11 April 2016 ([url](#)).

## 4.1 Structure of the courts

The Bangladeshi courts are structured as follows: <sup>(110)</sup>



As shown in the chart above, there is a general division of civil and criminal courts in Bangladesh. According to the specialised Judicial Portal of Bangladesh's website, there is one Supreme Court, 69 Subordinate Courts and eight Tribunals <sup>(111)</sup>. One of these tribunals is the so-called International Crimes Tribunal – 1, which handles genocide, crimes against humanity, war crimes and other crimes under international law <sup>(112)</sup>.

<sup>(110)</sup> Nabi Khan, T., *The Judiciary of Bangladesh*, 2014 ([url](#)), p. 10. Chart reproduced by EASO.

<sup>(111)</sup> Judicial Portal Bangladesh, *History of Judiciary of Bangladesh*, last updated on 2 May 2017 ([url](#)).

<sup>(112)</sup> International Crimes Tribunal – 1, Bangladesh, n.d. ([url](#)).

## 4.2 Independence and effectiveness

The weak independence of the judiciary is among the main problems facing Bangladesh. Formally, the law provides for an independent judiciary, but in practice, as recorded by US DoS a number of problems undermine the Bangladeshi court system - most notably, corruption, political interference, and a substantial backlog of cases <sup>(113)</sup>. According to a UK Home Office's 2017 fact finding mission report, the large backlog of cases in the justice system, between 2.3 to 3 million, leads to systemic dysfunction and prison overcrowding. It also creates incitement to resolve disputes outside the formal judiciary system's frameworks <sup>(114)</sup>.

The International Crisis Group observed in an April 2016 report that the judiciary and law ministry have taken a number of measures to reduce the case backlog, such as encouraging out-of-court dispute resolution and increasing the number of lower court judges. But these initiatives have been largely unsuccessful. Among the factors responsible for the continuing backlog are poorly framed charges by prosecutors, prosecutors failing to appear at proceedings or to produce witnesses, and judges issuing unnecessary adjournments or deliberately delaying verdicts, sometimes for political reasons <sup>(115)</sup>.

Allegations have been made of political influence over court decisions. During 2016, according to US Department of State (US DoS), several reports by human rights groups indicated continued public dissatisfaction with the perceived politicisation of the judiciary <sup>(116)</sup>.

The International Crisis Group has further noted:

'The [P]resident appoints additional judges for a two-year probationary period on the prime minister's (binding) advice and in consultation with the Supreme Court's chief justice (...) Yet, the prime minister has the key role, largely ignoring higher court judgments calling for meaningful consultation with the chief justice. As a result, there are additional judges with clear political leanings or who are not inclined to challenge the government before their confirmation. Junior judges on division benches are also largely viewed as government sympathisers who give favourable rulings. During its 2001-2006 tenure, the BNP government stacked the bench with loyalists (...)' <sup>(117)</sup>.

A provision in the Constitution gives the executive branch power to appoint judicial officials in lower courts <sup>(118)</sup>.

Another obstacle which undermines real judicial independence, according to the International Crisis Group, is the executive branch's authority over compensation for judges. Similarly, the judges, where their decisions are not in accordance with the executive branch's views, face a risk of being transferred to other jurisdictions <sup>(119)</sup>. According to the Constitution, the Chief Justice appoints judges, but in practice these decisions are sometimes made by the executive. The Supreme Judicial Council, entrusted with the task to oversee the judges, works ineffectively. In Bangladesh, there are 95

<sup>(113)</sup> US DoS, Country Reports on Human Rights Practices 2016 – Bangladesh, 3 March 2017 ([url](#)).

<sup>(114)</sup> UK: Home Office, Report of a Home Office Fact-Finding Mission to Bangladesh, conducted 14-26 May 2017, September 2017 ([url](#)).

<sup>(115)</sup> International Crisis Group, Political Conflict, Extremism and Criminal Justice in Bangladesh, 11 April 2016 ([url](#)), p. 17.

<sup>(116)</sup> US DoS, Country Reports on Human Rights Practices 2016 – Bangladesh, 3 March 2017 ([url](#)).

<sup>(117)</sup> International Crisis Group, Political Conflict, Extremism and Criminal Justice in Bangladesh, 11 April 2016 ([url](#)), p. 19.

<sup>(118)</sup> International Crisis Group, Political Conflict, Extremism and Criminal Justice in Bangladesh, 11 April 2016 ([url](#)), p. 17.

<sup>(119)</sup> US DoS, Country Reports on Human Rights Practices 2016 – Bangladesh, 3 March 2017 ([url](#)).

Supreme Court Judges and 1,800 district judges, which represents more than 100,000 people per judge, one of the lowest ratios in the world <sup>(120)</sup>.

### 4.3 Fair trial

The law stipulates the right to a fair public trial, but for the judicial system it is not possible to always provide this right due to problems like corruption, partisanship and weak personnel and institutional capacities <sup>(121)</sup>. US DoS reports that some defendants do not get a fair trial due to witness tampering, victim intimidation or missing evidence <sup>(122)</sup>, and they may spend a long time in pre-trial detention. According to Landinfo, the Norwegian COI service, accusations against people who can apply economic or political pressure are often withdrawn <sup>(123)</sup>.

Otherwise, in general, trials are held in public, defendants are presumed innocent and have the right to appeal and to see the state's evidence. They also have other rights, among which, for example, are the right to be informed promptly and in detail of the charges against them, the right to representation by counsel, review of accusatory material, to call and question witnesses, and appeal verdicts. Defendants also have the right to sufficient time to prepare themselves for trial and are entitled to be present at their public trial where judges decide cases. Criminal detainees have the right to defence attorneys and counsel. Indigent defendants have the right to a state funded defence. A common problem, reported by US DoS as concerns fair trial, is lack of respect by the government for the above-mentioned rights. There are reports that government officials have discouraged lawyers from representing defendants in controversial cases, which are important to the state. Another problem for fair trial procedures are so-called 'mobile courts'. These courts, headed by executive branch magistrates, render immediate verdicts that often include prison terms and some defendants are not provided with legal representation <sup>(124)</sup>.

Certain NGOs, such as the Bangladesh Legal Aid and Services Trust (BLAST), provide legal aid and free legal advice to poor and disadvantaged clients. By 2014, BLAST had provided legal aid services in 57,467 cases. BLAST, which has a staff of over 450, also arranges alternative dispute resolution through mediation, investigations, medical referrals, and various other support services <sup>(125)</sup>.

### 4.4 Trial in absentia

Trial in absentia is a criminal procedure in which the accused is not physically present in court. This is considered by commentators to be a violation of the right to a fair trial <sup>(126)</sup>. The Code of Criminal Procedure stipulates that the court may hold a trial in absentia when it, after giving public notification in at least two national news papers, has reason to believe that the suspect cannot be arrested or deliberately has absconded from the trial <sup>(127)</sup>.

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<sup>(120)</sup> UK: Home Office, Report of a Home Office Fact-Finding Mission to Bangladesh, conducted 14-26 May 2017, September 2017 ([url](#)); Norway: Landinfo, Temanotat Bangladesh: Politi og rettsvesen, 4 July 2013 ([url](#)).

<sup>(121)</sup> US DoS, Country Reports on Human Rights Practices 2016 – Bangladesh, 3 March 2017 ([url](#)); Norway: Landinfo, Temanotat Bangladesh: Politi og rettsvesen, 4 July 2013 ([url](#)).

<sup>(122)</sup> US DoS, Country Reports on Human Rights Practices 2016 – Bangladesh, 3 March 2017 ([url](#)).

<sup>(123)</sup> Norway: Landinfo, Temanotat Bangladesh: Politi og rettsvesen, 4 July 2013 ([url](#)).

<sup>(124)</sup> US DoS, Country Reports on Human Rights Practices 2016 – Bangladesh, 3 March 2017 ([url](#)).

<sup>(125)</sup> BLAST, Annual Report 2014, n.d. ([url](#)).

<sup>(126)</sup> LawHelpBd.com, Trial in absentia, n.d. ([url](#)). For a longer explanation on fairness of trial and trials in absentia, see OHCHR, Chapter 7 The Right to a Fair Trial: Part II - From trial to final judgement, n.d. ([url](#)), pp. 280-282.

<sup>(127)</sup> Bangladesh, The Code of Criminal Procedure (Act No. V of 1898), Part VI, Proceeding in Prosecutions, Chapter XXIV General Provisions as to inquiries and trials, Section 339B Trial in absentia, 1898 (amended in 1958) ([url](#)).

## 4.5 Bail

Currently, there is a functioning bail system in Bangladeshi regular courts. There are explicit directives from the Supreme Court's Appellate Division which prohibit the re-arrest of accused persons released on bail. But, despite this directive, according to US DoS, the Bangladeshi police often re-arrest people who had previously been released on bail. During the year 2016 there were several examples of this occurring <sup>(128)</sup>. See also section [7.2 Bail](#).

## 4.6 Corruption in the Judiciary

Corruption remains a serious problem within the judiciary and contributes towards lengthy delays for trials. The low salaries of court officials are one of the main reasons behind such practices. Corruption and outside influence are problems in the civil judicial system as well, and many citizens decide to use alternative dispute resolution for civil cases, such as mediation. According to government sources, the wider use of mediation in civil cases has accelerated the administration of justice, but the level of fairness and impartiality of mediation remains unknown <sup>(129)</sup>.

## 4.7 Village courts and *shalish*

The term *shalish* means ‘community-based’ and is an informal justice process in Bangladesh using local influential persons to resolve disputes among community members. The *shalish* process may cover a wide variety of civil matters, such as violence against women, inheritance, dowry, divorce, alimony or a combination of some of these issues. *Shalish* procedure might also be used to settle land conflicts (for example, a conflict about the boundaries of neighbors’s parcels), as well as other property disputes. *Shalish* procedure occurs in practice through gathering village elders and concerned parties, exclusively male, for the resolution of local disputes <sup>(130)</sup>.

Today two main types of *shalish* exist – traditional, which was set up in the 17th Century, and modern, which has been revived by NGOs. *Shalish* decisions are, however, not legally binding and traditional *shalish* decisions are often ineffective and unfair to women <sup>(131)</sup>. A third type of *shalish* is the government-facilitated *shalish*, though it is reportedly highly similar to the traditional form in that local patronage systems influence the decision-making processes. It is also noted that the different forms of *shalish* often overlap in practice <sup>(132)</sup>.

The Village Court Act of 2006 introduced a new court system in order to provide a justice system to rural areas. The judge panel is headed by the chairman of the local *Union Parishad* <sup>(133)</sup> and includes four more members. The village court deals with certain civil and criminal cases and it can impose fines up to 75,000 Taka [approximately 770 EUR <sup>(134)</sup>] as penalties <sup>(135)</sup>. It is generally considered to be a judicial reform meant to ensure improved justice for the under-privileged <sup>(136)</sup>.

<sup>(128)</sup> US DoS, Country Reports on Human Rights Practices 2016 – Bangladesh, 3 March 2017 ([url](#)).

<sup>(129)</sup> US DoS, Country Reports on Human Rights Practices 2016 – Bangladesh, 3 March 2017 ([url](#)).

<sup>(130)</sup> Nabi Khan, T. The Judiciary of Bangladesh, 2014 ([url](#)).

<sup>(131)</sup> UK: Home Office, Report of a Home Office Fact-Finding Mission to Bangladesh, conducted 14-26 May 2017, September 2017 ([url](#)).

<sup>(132)</sup> ISSAT, Bangladesh – Shalish, n.d. ([url](#)).

<sup>(133)</sup> ‘A Union Parishad (UP) is the lowest unit of local government bodies.’ Copenhagen Consensus Center, Cost-Benefit Study on Implementing Village Courts in Union Parishads of Bangladesh, 2016 ([url](#)), p. 2.

<sup>(134)</sup> XE.com, Exchange rate on 18 December 2017.

<sup>(135)</sup> Sikder, P., Village courts: A dilemma within..., 5 April 2016 ([url](#)).

<sup>(136)</sup> Copenhagen Consensus Center, Cost-Benefit Study on Implementing Village Courts in Union Parishads of Bangladesh, 2016 ([url](#)), p. 3.

Since its inception, the village courts have resulted in decreased backlogs for the formal justice system <sup>(137)</sup>. According to figures from UNDP, from 2010 until 2016, 69,000 of 87,200 cases reported to village courts across Bangladesh have been resolved <sup>(138)</sup>. Nearly 70 % of petitioners and respondents were satisfied with their experience. In the traditional courts system, the resolution of a case can take five years, whereas the average time is 28 days in the village courts <sup>(139)</sup>. It has been pointed out that there is a potential problem in allowing politically elected leaders lead a court, especially in a country where political rivalries and corruption is widespread <sup>(140)</sup>.

## 5. Criminal law (references)

### 5.1 The Penal Code (Act number XLV of 1860)

The Penal Code was originally enacted by the colonial government in India in 1860 and was adopted by Bangladesh after independence <sup>(141)</sup>. The [1860 Penal Code](#) in use as of 2017 can be found on the 'Laws of Bangladesh' website of the Ministry of Law, Justice and Parliamentary Affairs <sup>(142)</sup>.

### 5.2 The Code of Criminal Procedure (Act number V of 1898)

[The 1898 Code of Criminal Procedure](#) (often referred to as CrPC) covers such matters as the structure and powers of the Courts, procedures to be followed by the police, the rights of persons accused of crimes, etc. It is accessible on the website 'Laws of Bangladesh' <sup>(143)</sup>.

### 5.3 Acts of Parliament

The texts of [Bangladeshi laws](#) (in English) can be found on the 'Laws of Bangladesh' website <sup>(144)</sup>.

## 6. Police and security forces

According to the police website, the Bangladesh Police are the core law enforcement agency and the force is administered by the Ministry of Home Affairs. Its role is maintaining law and order of the state, and ensuring security of public life and property <sup>(145)</sup>. Its administrative structure, laws and regulations originate from the British colonial era. While some of these were constituted during the times of British and Pakistani rule, others were subsequently set up to protect government interests <sup>(146)</sup>.

<sup>(137)</sup> Copenhagen Consensus Center, Cost-Benefit Study on Implementing Village Courts in Union Parishads of Bangladesh, 2016 ([url](#)), p. 4.

<sup>(138)</sup> UN, Bangladesh: Taking Action for Sustainable Development, n.d. ([url](#)).

<sup>(139)</sup> UNDP, Through village courts, justice for all in Bangladesh, n.d. ([url](#)).

<sup>(140)</sup> Sikder, P., Village courts: A dilemma within..., 5 April 2016 ([url](#)).

<sup>(141)</sup> Nepal Foreign Affairs, Comparative study of penal provisions of SAARC countries, n.d. ([url](#)); DW, The legal framework of Bangladesh's rape law, 4 December 2013 ([url](#)).

<sup>(142)</sup> Bangladesh, The Penal Code (Act No. XLV of 1860), 1860 ([url](#)).

<sup>(143)</sup> Bangladesh, The Code of Criminal Procedure (Act No. V of 1898), 1898 ([url](#)).

<sup>(144)</sup> Bangladesh, Laws of Bangladesh, n.d. ([url](#)).

<sup>(145)</sup> Bangladesh Police, Chronology, n.d. ([url](#)).

<sup>(146)</sup> HRW, Ignoring Executions and Torture: Impunity for Bangladesh's Security Forces, 18 May 2009 ([url](#)), p. 20.

Traditionally, Bangladesh has had a number of strong paramilitary forces and influential military and civilian intelligence agencies, with separate mandates and reporting lines <sup>(147)</sup>.

## 6.1 Functioning of the police in response to common crimes

Bangladesh ranks among the ten countries in the world with the smallest police presence, with 96 police personnel per 100,000 citizens. Due to the centralised organisation, most personnel are stationed in the major cities with little police presence in the countryside <sup>(148)</sup>. According to GAN Integrity's Anti-Corruption Portal, the low salaries, lack of training and expertise in the police force mean the risk of encountering corruption in the police is high. There is a culture of impunity in the police and it is regarded by the population as unreliable <sup>(149)</sup>. In a household survey conducted in 2014, 58 % of respondents mentioned corruption as a major problem when dealing with the police.<sup>(150)</sup> Other sources confirm corruption is widespread within the police force <sup>(151)</sup>. The police can also reportedly be reluctant to investigate people associated with the ruling political party <sup>(152)</sup>.

## 6.2 Intelligence agencies

The intelligence agencies in Bangladesh include:

- Directorate General of Forces Intelligence (DGFI), founded in 1977, is the main military intelligence agency in Bangladesh. Its subdivisions serve all branches of the armed forces. It reports directly to the Prime Minister and has offices in all parts of the country.
- National Security Intelligence (NSI), established in 1972, is the leading civil intelligence agency in Bangladesh, standing under the prime minister's direct authority, and is predominantly responsible for monitoring political affairs. The NSI chief is usually a general of the Bangladesh Army and is considered one of the closest advisers to the prime minister on security and political affairs <sup>(153)</sup>.
- Criminal Investigation Department, a specialised wing of the Bangladesh Police who carries out investigations on crimes like terrorism, murders and organised crime.
- Special Branch (SB) is the country's central intelligence agency and reports directly to the Bangladesh Prime Minister. They have offices in every district in the country <sup>(154)</sup>.
- Rapid Action Battalion (RAB), established in 2004, is a police anti-crime and anti-terrorist unit, consisting of members from the police, army, navy and other forces <sup>(155)</sup>. Under the jurisdiction of the Ministry of Home Affairs it has civilian law enforcement duties, but part of its legal foundation is military and the majority of the senior officers are from the army <sup>(156)</sup>.

<sup>(147)</sup> HRW, Ignoring Executions and Torture: Impunity for Bangladesh's Security Forces, 18 May 2009 ([url](#)), p. 18.

<sup>(148)</sup> Diplomat (The), A Year of Bangladesh's War on Terror, 6 July 2017 ([url](#)).

<sup>(149)</sup> GAN Integrity, Bangladesh Corruption Report, December 2015 ([url](#)). See also the English summary in Norway: Landinfo, Temanotat Bangladesh: Politi og rettsvesen, 4 July 2013 ([url](#)), p. 3.

<sup>(150)</sup> Justice Sector Facility Project, Access to Justice in Bangladesh Situation Analysis, Summary Report 2015, May 2015 ([url](#)), p. 13.

<sup>(151)</sup> UK: Home Office, Report of a Home Office Fact-Finding Mission Bangladesh, conducted 14-26 May 2017, September 2017 ([url](#)), pp. 21-22; Diplomat (The), A Year of Bangladesh's War on Terror, 6 July 2017 ([url](#)).

<sup>(152)</sup> Norway: Landinfo, Temanotat Bangladesh: Politi og rettsvesen, 4 July 2013 ([url](#)), p. 3.

<sup>(153)</sup> HRW, Ignoring Executions and Torture Impunity for Bangladesh's Security Forces, 18 May 2009 ([url](#)), chap. III.

<sup>(154)</sup> Olefins Trade Corporation, SB Office HQ, n.d. ([url](#)).

<sup>(155)</sup> RAB, Rapid Action Battalion - Home, n.d. ([url](#)); BBC News, Bangladesh elite police to hang for murders, 16 January 2017 ([url](#)).

<sup>(156)</sup> HRW, Ignoring Executions and Torture Impunity for Bangladesh's Security Forces, 18 May 2009 ([url](#)), chap. III.

### 6.3 Rapid Action Battalion (RAB)

RAB has been criticised by human rights organisations, such as HRW and Amnesty International (AI), for human rights abuses. Swedish Radio reported on 4 April 2017 of a recording of a high-ranking RAB officer giving an account of the RAB's responsibility for multiple extrajudicial murders, tortures and forced disappearances <sup>(157)</sup>. Allegations of certain human rights abuses are supported by the findings in a UK Home Office fact finding report of 2017 <sup>(158)</sup>. HRW concludes in a report that state law enforcement agencies, in particular RAB and the Detective Branch (DB) 'have been involved in secret detentions and killings, despite public assertions to the contrary' <sup>(159)</sup>. In another report, HRW describes RAB as a 'death squad with impunity' and claims that it is in practice run by the military, despite being run by a senior police officer <sup>(160)</sup>. According to human rights campaigners referred to in an article by the BBC News, more than 300 people have gone missing in RAB custody since 2009 <sup>(161)</sup>.

### 6.4 Internal role of the armed forces

According to information on the homepage of the Bangladesh Army, the military consists of the Bangladesh Army, Navy and Air Force. In addition to its traditional defense roles, the armed forces can also assist the civilian population during disasters and aid civilian administrations in maintaining internal safety when assigned to do so. This includes aiding voter registration, constructions of roads, and provide support to affected people after natural disasters like floods <sup>(162)</sup>. The total number of military personnel is 225,000 <sup>(163)</sup>.

In a US DoS report from 2012, it is stated that the Bangladesh Navy is mainly limited to patrolling the coasts and participating in international exercises. The same source reports that the Coast Guard, under the Ministry of Home Affairs (MOHA), has primarily a role in anti-smuggling and anti-piracy <sup>(164)</sup>.

The role of the Bangladesh Air Force in a disaster is principally to assist civil administration and keep all transport aircraft and helicopters ready for flight and evacuate casualties to nearest hospitals <sup>(165)</sup>.

### 6.5 Abuses by the police and security forces

According to US DoS, the government does not thoroughly investigate extrajudicial killings by security forces. In the few cases charges were brought, those found guilty usually got administrative punishments. Police basic training continued to include instruction on the appropriate use of force, as part of efforts to implement community-based policing. Although there have been cases where the courts condemn police responsible for homicides, security forces, according to US DoS continued to commit abuses with impunity <sup>(166)</sup>.

<sup>(157)</sup> Sveriges Radio, Exclusive: Officer Exposes Brutal Killings by Bangladeshi Elite Police Unit RAB, 4 April 2017 ([url](#)).

<sup>(158)</sup> UK: Home Office, Report of a Home Office Fact-Finding Mission Bangladesh, conducted 14-26 May 2017, September 2017 ([url](#)), p. 21.

<sup>(159)</sup> HRW, "We Don't Have Him" Secret Detentions and Enforced Disappearances in Bangladesh, July 2017 ([url](#)), p. 2.

<sup>(160)</sup> HRW, "No Right to Live" "Kneecapping" and Maiming of Detainees by Bangladesh Security Forces, September 2016 ([url](#)), pp. 9-10.

<sup>(161)</sup> BBC News, Bangladesh elite police to hang for murders, 16 January 2017 ([url](#)).

<sup>(162)</sup> Bangladesh Army, About Bangladesh Army, n.d. ([url](#)).

<sup>(163)</sup> Global Fire Power, 2017 Bangladesh Military Strength, n.d. ([url](#)).

<sup>(164)</sup> US DoS, Background Note, Bangladesh, 6 March 2012 ([url](#)).

<sup>(165)</sup> Bangladesh Air Force, Bangladesh Air Force in disaster management activities, n.d. ([url](#)).

<sup>(166)</sup> US DoS, Country Report on Human Rights Practices 2016-Bangladesh, 3 March 2017 ([url](#)), chap. 1.d, 1.c.

HRW reports that the security forces in Bangladesh have a long history of arbitrary arrests, forced disappearances and extrajudicial killings. In particular, the Detective Branch (DB) of the Police, the DGFI, and the RAB have all been accused of serious violations. Nearly 15,000 people were arrested by security forces in June 2016 <sup>(167)</sup>.

In a recent report, HRW accused the Bangladesh security forces of human rights violations, stating that hundreds of people have disappeared since 2013. Of these, at least 90 have been victims of forced disappearance in 2016, 21 of whom were killed. In the first five months of 2017, a local human rights organisation consulted by HRW reported an additional 48 disappearances. Witnesses and family members reported to HRW that ‘state law enforcement agencies—particularly RAB and the Detective Branch (DB) of the police—have been involved in secret detentions and killings, despite public assertions to the contrary’ <sup>(168)</sup>.

Bangladeshi human rights organisation Odhikar reports in their annual report that several instances of enforced disappearances, illegal and arbitrary arrests, deaths in jail, and extrajudicial killing and torture in custody were documented during 2016 <sup>(169)</sup>. Both HRW and Odhikar have reported of members of law enforcement agencies shooting opposition political activists and leaders in the leg (‘kneecapping’), something which begun in 2009 and continued in 2016 <sup>(170)</sup>.

## 6.6 Avenues of redress

The Constitution of the People’s Republic of Bangladesh states that it is an absolute right of every citizen to enjoy the protection of the law and to be treated in accordance with it <sup>(171)</sup>. According to Bangladesh Police Regulations, police officers shall, in carrying out their duties, as far as possible use non-violent methods and take every reasonable step to protect the health and safety of those arrested or detained <sup>(172)</sup>.

Following police policy, all significant uses of force by the police trigger an internal investigation automatically, which is usually handled by a unit reporting directly to the Inspector General of Police. Human rights organisations have criticised the independence of the investigative units, as the few cases found guilty have only received administrative punishments and acts continue with ‘impunity’. Fear of retribution as well as lengthy trials have had a consequence that plaintiffs were reluctant to accuse the police in criminal cases, further perpetuating a climate of impunity <sup>(173)</sup>.

Sources consulted by the UK Home Office state that internal investigation following the police code of conduct takes place, and that punishment against police abuse has occurred. However, there is no independent body that oversees the conduct of the police <sup>(174)</sup>. In 2017, 14 members of RAB were sentenced to death in a high-profile case involving extrajudicial killings of opposition politicians in 2014 <sup>(175)</sup>.

<sup>(167)</sup> HRW, Bangladesh - events of 2016, n.d. ([url](#)).

<sup>(168)</sup> HRW, “We Don’t Have Him” Secret Detentions and Enforced Disappearances in Bangladesh, 6 July 2017 ([url](#)).

<sup>(169)</sup> Odhikar, Bangladesh Annual Human Rights Report 2016, 1 January 2017 ([url](#)), pp. 11-12.

<sup>(170)</sup> Odhikar, Bangladesh Annual Human Rights Report 2016, 1 January 2017 ([url](#)), p. 17; HRW, Bangladesh - events of 2016, n.d. ([url](#)); HRW, “No Right to Live” “Kneecapping” and Maiming of Detainees by Bangladesh Security Forces, September 2016 ([url](#)).

<sup>(171)</sup> Bangladesh, The Constitution of The People’s Republic of Bangladesh, Part III Fundamental Rights, Right to protection of law, Article 31, 1972 (amended 2011) ([url](#)).

<sup>(172)</sup> Hossain, S.A., Ethics and codes of conduct for judges, prosecutors and law enforcement officials: Bangladesh perspective, n.d. ([url](#)), p.293.

<sup>(173)</sup> US DoS, Country Report on Human Rights Practices 2016-Bangladesh, 3 March 2017 ([url](#)) chap. 1.d.

<sup>(174)</sup> UK: Home Office, Report of a Home Office Fact-Finding Mission Bangladesh, conducted 14-26 May 2017, September 2017 ([url](#)), p. 22.

<sup>(175)</sup> Nation (The), BD court upholds officers’ death sentences, August 23 2017 ([url](#)).

## 7. Arrest and detention

### 7.1 Legal provisions and procedures

According to Article 33 in the Constitution, no person shall be detained without being informed of the ground of arrest, nor be denied the right of a legal defendant of his or her choice. Detentions should not exceed six months, unless an advisory board has held a hearing and prolonged the detention period, or a person is considered an enemy alien <sup>(176)</sup>.

Arbitrary arrest and detention are forbidden by the constitution, but arrest and detention of individuals suspected of crimes without an order from a magistrate is permitted according to law. Police are required to inform in writing either a relative or a friend of the arrested person within 12 hours and record the grounds for the arrest. If an enquiry cannot be ended within 24 hours, an explanation must be given and a copy of the relevant case diary be transmitted to the court. Magistrates must reject the petitions of police officers if the arrestee is not produced before the court or if the allegations are not considered well founded. The magistrates are not able to allow incarceration of any arrested person for more than 15 days. They are also able to prosecute law enforcement officers under the Torture and Custodial Death (Prohibition) Act 2009, if a medical board finds evidence of custodial torture or death <sup>(177)</sup>.

An arrest warrant is to be given directly to the accused. If that is not possible, to the male head of the family, and failing that, posted in a public place. As a last resort, the arrest warrant is to be placed in a national daily newspaper at two occasions <sup>(178)</sup>.

According to US DoS, arbitrary arrests – often in conjunction with political demonstrations or as a security force response to terrorist activity – occur, sometimes in the form of mass arrests <sup>(179)</sup>. Amnesty International (AI) claims illegal arrests and secret detentions are ‘completely routine’ in Bangladesh <sup>(180)</sup>. AI states that ill-treatment or torture is ‘widespread’ in custody, though complaints are seldom investigated <sup>(181)</sup>, and together with HRW, AI notes that Bangladeshi security forces have an extensive history of custodial abuse <sup>(182)</sup>.

### 7.2 Bail

Bangladeshi law distinguishes between bailable, or less serious, offences, and non-bailable serious offences. Bail can be granted with security, or money that the accused and the people who sign their bond have to pay if the accused fails to appear in court. A bail granted with sureties means a third party signs the bond and will be obligated to pay money if the accused does not appear when ordered to in court. ‘Release on own recognisance’ is when bail is granted on a promise to attend court. Bail must be granted if the type of offence allows it. The only exception is when the person is in addition

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<sup>(176)</sup> Bangladesh, The Constitution of the People’s Republic of Bangladesh, Part III Fundamental Rights, Safeguards as to arrest and detention, 1972 (amended 2011) ([url](#)).

<sup>(177)</sup> US DoS, 2016 Country Reports on Human Rights Practices - Bangladesh, 3 March 2017 ([url](#)), section 1d.

<sup>(178)</sup> UK: Home Office, Report of a Home Office Fact-Finding Mission Bangladesh, conducted 14-26 May 2017, September 2017 ([url](#)), p. 20.

<sup>(179)</sup> US DoS, 2016 Country Reports on Human Rights Practices - Bangladesh, 3 March 2017 ([url](#)).

<sup>(180)</sup> AI, Bangladesh: End illegal detentions immediately, 14 August 2016 ([url](#)).

<sup>(181)</sup> AI, Amnesty International Report 2016/17 - Bangladesh, 22 February 2017 ([url](#)).

<sup>(182)</sup> AI, Bangladesh: End illegal detentions immediately, 14 August 2016 ([url](#)).

charged with a non-bailable offence as well. Bail will not be granted for a person unable to provide sureties or securities <sup>(183)</sup>.

Non-bailable offences are more serious and though bail can be granted in the cases where the offence is not punishable by death or life imprisonment, most often police will not grant bail in these cases. Courts can grant bail to the underage (under 16 years old), women, and the sick or infirm, even when the punishment can be death or life imprisonment <sup>(184)</sup>. Exceptions can occur and there have been cases of forged bail orders <sup>(185)</sup>.

US DoS describes the bail system in the regular courts as ‘functioning’, though as a way to detain persons indefinitely, police would routinely rearrest persons released on bail on new charges without producing them in court. According to US DoS, detainees charged with crimes were given access to attorneys, and authorities would sometime provide state-funded defense attorneys. There are a few, underfunded legal aid programs. In general, defense lawyers are only allowed to meet with their clients after formal charges had been filed, which may be weeks or months after the initial arrest <sup>(186)</sup>.

## 8. Prison conditions

### 8.1 The prison system in Bangladesh

There are 68 prisons or jails in Bangladesh, 13 of them are central prisons, which are larger establishments holding long-term, death row and high-risk convicts, and 55 are district prisons situated throughout the country <sup>(187)</sup>.

### 8.2 Prison population and overcrowding

As of 30 June 2016, the total prison population was 73,177. Of those, 70,405 were male and 2,772 female. The majority of the people in prisons were awaiting trial – of the 73,177 total, 54,992 were on remand awaiting trial and 18,185 had been tried, convicted and sentenced. The vast majority of those on remand had been in custody for less than a year <sup>(188)</sup>.

In 2015-2016, Bangladesh had 45 people in prison per 100,000 head of population. This was one of the lowest rates in Asia and was lower than any European country <sup>(189)</sup>.

The official capacity of the country’s prisons system in 2016 was 36,614. Prisons were holding, on average, about twice the number of people they were designed to take. The extent of overcrowding varied a lot from one prison to another, and from one region of the country to another <sup>(190)</sup>.

<sup>(183)</sup> Justice Sector Facility, UNDP Bangladesh, Criminal Justice in Bangladesh, A best practice Handbook for members of the criminal justice system, November 2015 ([url](#)); Bangladesh, The Code of Criminal Procedure (Act No. V of 1898), Part IX Supplementary Provisions, Chapter XXXIX Of Bail, When bail may be taken in case of non-bailable offence, 1898 ([url](#)).

<sup>(184)</sup> Justice Sector Facility, UNDP Bangladesh, Criminal Justice in Bangladesh, A best practice Handbook for members of the criminal justice system, November 2015 ([url](#)); Bangladesh, The Code of Criminal Procedure (Act No. V of 1898), Part IX Supplementary Provisions, Chapter XXXIX Of Bail, When bail may be taken in case of non-bailable offence, 1898 ([url](#)).

<sup>(185)</sup> UK: Home Office, Report of a Home Office Fact-Finding Mission Bangladesh, conducted 14-26 May 2017, September 2017 ([url](#)), p. 71.

<sup>(186)</sup> US DoS, 2016 Country Reports on Human Rights Practices - Bangladesh, 3 March 2017 ([url](#)), section 1d.

<sup>(187)</sup> Bangladesh: Department of Prisons, Prison Population Statistics, 2017, February 2017.

<sup>(188)</sup> Bangladesh: Department of Prisons, Prison Population Statistics, 2017, February 2017.

<sup>(189)</sup> Bangladesh: Department of Prisons, Prison Population Statistics, 2017, February 2017.

<sup>(190)</sup> Bangladesh: Department of Prisons, Prison Population Statistics, 2017, February 2017.

Due to overcrowding, prisoners in some establishments sleep in shifts and do not have adequate toilet facilities <sup>(191)</sup>.

### 8.3 General conditions

According to the US DoS *2016 Report on Human Rights Practices*, ‘Prison conditions remained harsh and at times life threatening due to overcrowding, inadequate facilities, and lack of proper sanitation.’ The same source noted that conditions in prisons, and often within the same prison complex, varied widely ‘because authorities lodged some prisoners in areas subject to high temperatures, poor ventilation, and overcrowding.’ According to the German development organisation GIZ, prisons ‘do not meet minimum standards for adequate light, air, decency, and privacy.’ After visiting Dhaka Central Jail in 2016, the Chairman of the Bangladesh National Human Rights Commission said that ‘human rights were being violated in the prison’; he undertook to continue making visits to improve the situation <sup>(192)</sup>.

While the law requires holding juveniles separately from adults, in practice many juveniles are held together with adults. Female prisoners are held separately from men <sup>(193)</sup>.

The government permits visits from the International Committee of the Red Cross (ICRC), from government-appointed committees and from district judges <sup>(194)</sup>.

The ICRC stated in their 2016 Annual Report regarding Bangladesh that, ‘[d]etainees in several prisons had better living conditions after the authorities, with ICRC support, made improvements to infrastructure’ <sup>(195)</sup>.

### 8.4 Deaths in prisons

Statistics from the Department of Prisons showed that 173 prison inmates died of natural causes in 2016. This, as a percentage of the prison population, was lower than the mortality rate for the country’s population as a whole. Of the 173 total, 142 died in hospital and 31 were dead on arrival at hospital. According to the same source, there were 2 deaths from ‘unnatural causes’ in 2016 <sup>(196)</sup>.

The UN Human Rights Committee (HRC), however stated in a report of 27 April 2017 that it was concerned ‘by the high number of deaths in prisons over the past five years, all of which are attributed by the State party [Bangladesh government] to natural causes or suicide, while reports indicate that at least some of these deaths can be attributed to poor prison conditions, negligence by the authorities or lack of access to treatment, and some are cases of death as a result of injuries sustained by torture while in police custody’ <sup>(197)</sup>.

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<sup>(191)</sup> US DoS, 2016 Country Reports on Human Rights Practices - Bangladesh, 3 March 2017 ([url](#)), section 1c.

<sup>(192)</sup> US DoS, 2016 Country Reports on Human Rights Practices - Bangladesh, 3 March 2017 ([url](#)), section 1c.

<sup>(193)</sup> US DoS, 2016 Country Reports on Human Rights Practices - Bangladesh, 3 March 2017 ([url](#)), section 1c.

<sup>(194)</sup> US DoS, 2016 Country Reports on Human Rights Practices - Bangladesh, 3 March 2017 ([url](#)), section 1c.

<sup>(195)</sup> ICRC, ICRC Annual Report 2016 – Bangladesh, 23 May 2017 ([url](#)), p. 321 .

<sup>(196)</sup> Bangladesh: Department of Prisons, Prison Population Statistics, 2017, February 2017.

<sup>(197)</sup> HRC, Concluding observations on the initial report of Bangladesh, 27 April 2017 ([url](#)), paragraph 25.

## 9. The death penalty

### 9.1 Application

Bangladesh retains the death penalty for a wide range of crimes, such as murder, rape (in certain circumstances), drug trafficking, sedition and acts of terrorism <sup>(198)</sup>.

According to AI, the courts in Bangladesh sentenced at least 197 people to death in 2015 – 4 executions were carried out that year. Three of those executed had been convicted by the International Crimes Tribunal in Bangladesh (ICT), a special court established to try people accused of crimes committed during Bangladesh's 1971 war of independence. AI stated that the proceedings of the Tribunal violated international fair trial standards <sup>(199)</sup>.

AI reported that at least 245 people were sentenced to death in 2016. Ten people were executed in 2016 <sup>(200)</sup>.

### 9.2 Legal rights

Persons sentenced to death have a right of appeal to a higher court. A ruling by the Supreme Court cannot be appealed, except as a request to the President <sup>(201)</sup>.

Under Article 49 of the Constitution, the President has the power to remit, suspend or commute any sentence passed by any court, tribunal or other authorities <sup>(202)</sup>. Four people who had been sentenced to death received a Presidential pardon in 2016 <sup>(203)</sup>.

If a person is charged with a capital offence carrying the death penalty and cannot afford the services of a defence lawyer, the Court will make a direction for 'State Defence' <sup>(204)</sup>.

## 10. Non-state armed groups and recent terrorist attacks

Militant activity in Bangladesh in the recent past was usually related to local islamists, the most well-known of which were Harkat-ul-Jihad-al islami Bangladesh (HuJI-B) and Jamaatul Mujahideen Bangladesh (JMB), responsible for carrying out several localised militant attacks in the country. However, after the emerge of the so-called Islamic State (IS, or Daesh) in Iraq and Syria in 2014, localised militancy evolved as multiple Bangladeshi citizens allegedly travelled to Syria and Iraq to fight for Daesh <sup>(205)</sup>. According to US DoS, the following armed groups are active in Bangladesh: ISIS, known locally as Jamaat-ul-Mujahideen Bangladesh (JMB or 'Neo-JMB'); al-Qaeda in the Indian

<sup>(198)</sup> Nessuno Tocchi Caino / Hands Off Cain: Bangladesh, 2017 ([url](#)).

<sup>(199)</sup> AI, Death Sentences and Executions - 2015, 6 April 2016 ([url](#)).

<sup>(200)</sup> AI, Death sentences and executions in 2016, April 2017 ([url](#)).

<sup>(201)</sup> UN News Centre, Amid fair trial concerns, UN experts urge Bangladesh to halt impending execution, 9 December 2013 ([url](#)).

<sup>(202)</sup> Nessuno Tocchi Caino / Hands Off Cain: Bangladesh, 2017 ([url](#)).

<sup>(203)</sup> AI, Death sentences and executions in 2016, April 2017 ([url](#)).

<sup>(204)</sup> UK: Home Office, Report of a Home Office Fact-Finding Mission to Bangladesh, conducted 14-26 May 2017, September 2017 ([url](#)).

<sup>(205)</sup> Grid91, Current State of Affair in Bangladesh (Report) – Part 1, 20 March 2017 ([url](#)), p. 4.

Subcontinent (AQIS), known locally as Ansar al-Islam; Lashkar-e-Tayyiba; and indigenous sectarian groups <sup>(206)</sup>.

## 10.1 Description of main Islamist groups

### 10.1.1 Al-Qaeda in the Indian Subcontinent (AQIS)/Ansar al-Islam

Al-Qaeda is functioning independently of other similar terrorist organizations, but it also acts through several terrorist groups that operate in different parts of the world under its umbrella or with its support. One of these groups is al-Qaeda in the Indian Subcontinent (AQIS), established on 4 September 2014. The aim of the group is to launch jihadist activities in India, Bangladesh and Myanmar <sup>(207)</sup>.

The United States has designated AQIS as a terrorist organisation <sup>(208)</sup> and it operates in five countries - Afghanistan, Pakistan, India, Myanmar, and Bangladesh <sup>(209)</sup>. AQIS has claimed responsibility for the 6 September 2014 attempted seizure of a Pakistan navy frigate in a naval dockyard in Karachi, Pakistan <sup>(210)</sup> and also the murders of secular activists, writers, professors, and doctors in Bangladesh. In May 2015, the group claimed responsibility for the murder of two atheist bloggers in Bangladesh and two liberal professors in Pakistan <sup>(211)</sup>. In October 2015, AQIS's Bangladesh branch, known as Ansar al-Islam, claimed responsibility for the killing of a Bangladeshi publisher of secular books. Another publisher was also targeted but not killed <sup>(212)</sup>.

In the year 2016, AQIS claimed responsibility for two attacks in Bangladesh. The first one occurred on 6 April 2016 with a murder of an Bangladeshi online activist. The second attack occurred 19 days later with the murder of a US embassy local employee and his friend. In both cases, the assailants used machetes <sup>(213)</sup>. In March 2017, three suicide attacks in Bangladesh were claimed by both AQIS and Daesh <sup>(214)</sup>. See below section [10.1.5 Daesh \(IS\)](#).

### 10.1.2 Jama'atul Mujahideen Bangladesh (JMB)

The Jama'atul Mujahideen Bangladesh (JMB) is a local Islamist group, reportedly formed in 1998 in the Jamalpur district. The main goal is to by violent means establish Islamic rule in Bangladesh. It was first noted on 20 May 2002 with the arrest of eight Islamist militants in the Dinajpur district with petrol bombs. On 13 February 2003, alleged JMB members carried out seven bombings in Dinajpur, wounding three. Some reports suggest that JMB is the youth front of the Al Mujahideen, a largely unknown group formed in the mid-1990s, whereas others indicate the JMB is another name for the

<sup>(206)</sup> US DoS, Bureau of Consular Affairs, Alerts and Warnings - Bangladesh, last updated 12 July 2017 ([url](#)).

<sup>(207)</sup> Global Security, Jagrata Muslim Janata, Bangladesh (JMJB) (Awake the Muslim People of Bangladesh), n.d. ([url](#)).

<sup>(208)</sup> US DoS, Foreign Terrorist Organizations, n.d. ([url](#)).

<sup>(209)</sup> Roggio, B., US adds Al Qaeda in the Indian Subcontinent, leader to terrorism list, 30 June 2016 ([url](#)).

<sup>(210)</sup> Joscelyn, T., Al Qaeda in the Indian Subcontinent claims 2 attacks in Pakistan, 13 September 2014 ([url](#)); International Institute for Counter-Terrorism, Al-Qaeda in the Indian Subcontinent (AQIS) and "Jihad on the Seas", 25 November 2014 ([url](#)).

<sup>(211)</sup> Joscelyn, T., Al Qaeda in the Indian Subcontinent Leader Says Attacks on 'Blasphemers' Ordered by Zawahiri, 3 May 2015 ([url](#)).

<sup>(212)</sup> BBC News, Bangladeshi secular publisher hacked to death, 31 October 2015 ([url](#)); NTVBD, Ansar-Al-Islam claims responsibility of attacks on writers, publishers, 21 October 2015 ([url](#)).

<sup>(213)</sup> US DoS, Country Reports on Terrorism 2016 - Bangladesh, 19 July 2017 ([url](#)).

<sup>(214)</sup> Kugelman, M. and Ahmad, A., Why Extremism is on the rise in Bangladesh, 27 July 2017 ([url](#)).

vigilante islamist group the Jagrata Muslim Janata Bangladesh (JMJB). JMB was banned by the government on 23 February 2005 <sup>(215)</sup>.

JMB is described by different sources as the most significant <sup>(216)</sup> or prominent <sup>(217)</sup> local jihadist group in Bangladesh. It pledges allegiance to Islamic State (ISIS, Daesh)<sup>(218)</sup> and also has links with Pakistani militant groups like Lashkar-e-Tayba (LeT)<sup>(219)</sup> and with the Taliban and al-Qaeda in Afghanistan <sup>(220)</sup>.

In the period after 2013, JMB broke apart into several independent factions. The most prominent of these is Neo-JMB, a mixture of militants from other extremist organisations. There are reports suggesting Neo-JMB receives funds from Bangladeshi nationals residing in the Middle East <sup>(221)</sup>.

From late 2014 onwards, there have been an increased number of attacks on religious communities or the government carried out by JMB and Daesh <sup>(222)</sup>. CNN similarly state that JMB's activities have focused on attacking religious minorities, such as Hindu, Shia, Ahmadis and Sufi in Bangladesh <sup>(223)</sup>.

### 10.1.3 Harkat-ul-Jihad-al Islami Bangladesh (HuJI-B)

The Harkat-ul-Jihad-al Islami Bangladesh (HuJI-B) is a local islamist organisation, established in 1992, allegedly with assistance from Osama bin Laden's International Islamic Front (IIF)<sup>(224)</sup>. The HuJI-B, similarly to JMB, was banned by the BNP-led coalition government on 17 October 2005 <sup>(225)</sup> and on 5 March 2008 the US government designated HuJI-B a Foreign Terrorist Organisation <sup>(226)</sup>.

HuJI-B wants to establish Islamic Hukumat (rule) in Bangladesh by waging war and killing progressive intellectuals. It draws inspiration from bin Laden and the former Taliban regime of Afghanistan. HuJI-B is mainly active in the coastal area stretching from Chittagong to the Myanmar border, a zone notorious for piracy, smuggling and weapon trafficking <sup>(227)</sup>.

HuJI-B committed no known attacks in 2013, though in March 2013 police in Dhaka stopped a supposed attack by arresting a group of militants which included HuJI-B members. Reports in 2014 suggested some HuJI-B members may have traveled to Pakistan to receive military training from Lashkar e-Tayyiba (LeT). In December 2016 police in Bangladesh raided a HuJI-B hideout, arresting four members. During this action law enforcement officials confiscated 18 bombs, electrical devices,

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<sup>(215)</sup> SATP, Terrorist and Extremist Groups - Bangladesh, Jama'atul Mujahideen Bangladesh (JMB), last updated 27 August 2017 ([url](#)).

<sup>(216)</sup> Roul, A., "Spreading Tentacles: The Islamic State in Bangladesh.", 6 February 2015 ([url](#)).

<sup>(217)</sup> CNN, Who Are the Terror Groups Jostling for Influence in Bangladesh?, 3 July 2016 ([url](#)).

<sup>(218)</sup> CNN, Who Are the Terror Groups Jostling for Influence in Bangladesh?, 3 July 2016 ([url](#)).

<sup>(219)</sup> Diplomat (The), Dhaka Hostage Crisis: Anatomy of A Terror Attack, 7 July 2016 ([url](#)).

<sup>(220)</sup> Institute for Defence Studies and Analysis, Why JMB is of Concern to India, 21 July 2016 ([url](#)).

<sup>(221)</sup> Grid91, Current State of Affair in Bangladesh (Report) – Part 1, 20 March 2017 ([url](#)), p. 5.

<sup>(222)</sup> USCIRF, Annual Report of the U.S. Commission on International Religious Freedom, April 2017 ([url](#)), p. 192.

<sup>(223)</sup> CNN, Who Are the Terror Groups Jostling for Influence in Bangladesh?, 3 July 2016 ([url](#)); CNN, Bangladesh arrests more than 11,000 after wave of killings, 14 June 2016 ([url](#)).

<sup>(224)</sup> SATP, Terrorist and Extremist Groups - Bangladesh, Harkat-ul-Jihad-al Islami Bangladesh (HuJI-B), last updated 27 August 2017 ([url](#)).

<sup>(225)</sup> SATP, Terrorist and Extremist Groups - Bangladesh, Harkat-ul-Jihad-al Islami Bangladesh (HuJI-B), last updated 27 August 2017 ([url](#)).

<sup>(226)</sup> US DoS, Country Reports on Terrorism 2016 - Foreign Terrorist Organizations: Harakat ul-Jihad-i-Islami/Bangladesh (HUJI-B), 19 July 2017 ([url](#)).

<sup>(227)</sup> SATP, Terrorist and Extremist Groups - Bangladesh, Harkat-ul-Jihad-al Islami Bangladesh (HuJI-B), last updated 27 August 2017 ([url](#)).

and sharp weapons <sup>(228)</sup>. There were no known terrorist acts carried out by HuJI-B in 2014, 2015, 2016, or 2017 <sup>(229)</sup>.

#### 10.1.4 Jagrata Muslim Janata Bangladesh (JMJB)

The Jagrata Muslim Janata Bangladesh (JMJB) is a Bangladeshi Islamist militant group, which follows the ideals of the Taliban and propagates a movement based on *jihād*. This organisation also attempts to ensure the northwestern region of the country is ‘swept clean’ of the activities of left-wing extremist groups, primarily the Purba Banglar Communist Party (PBCP). The JMJB has established several strong bases located mostly in northwest Bangladesh, in the districts of Rajshahi, Satkhira, Naogaon, Bagerhat, Jessore, Chittagong, Joypurhat, Natore, Rangpur, Bogra, Chittagong, and Khulna. It has allegedly spread its network to most *madrassas* and other educational institutions in these districts. JMJB has also established at least 10 camps in Naogaon, Rajshahi, and Natore districts. There have been reports of JMJB recruits being given training through recorded speeches of Osama bin Laden and video footages of warfare training from an al-Qaeda camp. Even though some of JMJB’s leaders reportedly have stated the group is headquartered in Dhaka, media reports indicated all activities of the organisation revolve around Jamalpur <sup>(230)</sup>.

According to some sources, JMJB and JMB is in fact the same organization. JMJB came into existence in 2004 and it is said the leader Bangla Bai, who was executed in March 2007, was also the leader of JMB. JMJB was active in northwestern Bangladesh and it was banned in 2004 <sup>(231)</sup>. According to SATP, a database on terrorism and low intensity warfare in South Asia, its activities ceased in 2005 <sup>(232)</sup>.

#### 10.1.5 Daesh (IS)

The organisation known under the Arabian acronym Daesh or as Islamic State (IS) in the West, is responsible for conducting acts of terror all over the world <sup>(233)</sup>. According to US DoS’s 2016 report on terrorism, IS claimed responsibility for a total of 18 attacks in Bangladesh in 2016. The most severe attack occurred on 1 July 2016 on a restaurant in the diplomatic area in Dhaka, where mostly foreigners reside. During the assault five Bangladeshi attackers killed 20 hostages and two police officers using guns, explosives, and sharp weapons. The hostages were mostly foreigners, and according to reports, hostages who could demonstrate they were Muslim by reciting verses from the Quran were spared <sup>(234)</sup>.

On 23 and 24 March 2017 two suicide bombers struck outside of Dhaka’s International airport. IS and AQIS claimed responsibility for the incidents, of which there were no fatalities. Both IS and AQIS claimed responsibility for another incident on 25 March 2017 in the district of Sylhet, when a suicide bomber killed six people. The government of Bangladesh blamed the latter incident on JMB <sup>(235)</sup>.

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<sup>(228)</sup> US DoS, Country Reports on Terrorism 2016 - Foreign Terrorist Organizations: Harakat ul-Jihad-i-Islami/Bangladesh (HUJI-B), 19 July 2017 ([url](#)).

<sup>(229)</sup> US DoS, Country Reports on Terrorism 2016 - Foreign Terrorist Organizations: Harakat ul-Jihad-i-Islami/Bangladesh (HUJI-B), 19 July 2017 ([url](#)); SATP, Incidents and Statements involving (HuJI-B): 2017, n.d. ([url](#)).

<sup>(230)</sup> SATP, Terrorist and Extremist Groups - Bangladesh, Jagrata Muslim Janata Bangladesh (JMJB), last updated 27 August 2017 ([url](#)).

<sup>(231)</sup> Global Security, Jagrata Muslim Janata, Bangladesh (JMJB) (Awake the Muslim People of Bangladesh), n.d. ([url](#)).

<sup>(232)</sup> SATP, Jagrata Muslim Janata Bangladesh (JMJB), n.d. ([url](#)).

<sup>(233)</sup> CSCR, IS (Daesh) in Bangladesh and India, 22 September 2016 ([url](#)).

<sup>(234)</sup> US DoS, Country Reports on Terrorism 2016 - Bangladesh, 19 July 2017 ([url](#)); Freedom House, Freedom in the World 2017 – Bangladesh, 2 June 2017 ([url](#)).

<sup>(235)</sup> Kugelman, M. and Ahmad, A., Why Extremism is on the rise in Bangladesh, 27 July 2017 ([url](#)).

The government of Bangladesh denies Daesh had a role in some of the incidents which have occurred the last few years. According to Freedom House and HRW, the government denied the presence of international terrorist groups such as the Islamic State throughout the first half of 2016 <sup>(236)</sup> and instead blamed domestic groups, claiming some of them had links to the main opposition political parties <sup>(237)</sup>.

For instance, the Bangladesh government denies IS had a role in the above-mentioned hostage incident and the Home Minister refuted the possibility that IS directed the attack from abroad. The government has suggested that these claims are simply opportunistic attempts to obtain global attention and that the evidence implicates domestic militant groups. According to Prime Minister Sheikh Hasina, her political opponents are trying to create chaos by backing domestic militants, which in turn conduct terrorist attacks <sup>(238)</sup>.

Daesh claimed 17 killings between September 2015 and May 2016, but the government of Bangladesh blamed the two local groups Ansarullah Bangla Team (ABT) and JMB for the attacks. According to the authorities, the assaults are part of these groups's campaign to establish a *sharia*-based Muslim state <sup>(239)</sup>. According to Sajjan Gohel, International Security Director of the Asia Pacific Foundation, this is a 'distinction without a difference', as JMB have sworn allegiance to Daesh <sup>(240)</sup>. Analysts quoted by British newspaper the Guardian claims it is 'extremely unlikely' that IS has a cell in Bangladesh but that there may be a link to local organisations <sup>(241)</sup>.

## 10.2 Other groups

### 10.2.1 Purba Bangla Communist Party (PBCP)

With regard to this particular organisation, South Asia Terrorism Portal (SATP, a database on terrorism and low intensity warfare in South Asia) states:

'The Purba Banglar Communist Party (PBCP) is among the many Maoist splinter organizations in Bangladesh. It was founded in the year 1968 following a split in the Bangladesh Communist Party (BCP). It has been outlawed since the time of the military regime of Zia-ur-Rehman. There has been a spurt in the activities of the PBCP since the beginning of the year 2002, in a reversal of trend. The PBCP has a revolutionary agenda of capturing state power through armed struggle and it draws inspiration from the Chinese revolution' <sup>(242)</sup>.

According to the same source, PBCP has maintained influence in southwest Bangladesh, the area bordering the Indian State of West Bengal. The presence of the group can be felt in several districts such as Khulna, Satkhira, Bagerhat, Magura, Meherpur, Narail, Kushtia, Jessore, Jhenidah, Chuadanga and Pirojpur <sup>(243)</sup>.

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<sup>(236)</sup> Freedom House, Freedom in the World 2017 – Bangladesh, 2 June 2017 ([url](#)).

<sup>(237)</sup> HRW, World Report 2017 – Bangladesh, n.d. ([url](#)).

<sup>(238)</sup> AP, Bangladesh government denies Daesh role in hostage crisis, 3 July 2016 ([url](#)); Pakistan Today, Daesh "falsely claiming" attacks in Bangladesh, 25 May 2016 ([url](#)).

<sup>(239)</sup> Pakistan Today, Daesh "falsely claiming" attacks in Bangladesh, 25 May 2016 ([url](#)).

<sup>(240)</sup> CNN, Dhaka: 'Normal, regular guys' who carried out Bangladesh terror attack, 4 July, 2016 ([url](#)).

<sup>(241)</sup> Guardian (The), Inside Bangladesh's killing fields: bloggers and outsiders targeted by fanatics, 12 June 2016 ([url](#)).

<sup>(242)</sup> SATP, Terrorist and Extremist Groups - Bangladesh, Purba Banglar Communist Party (PBCP), last updated 27 August 2017 ([url](#)).

<sup>(243)</sup> SATP, Terrorist and Extremist Groups - Bangladesh, Purba Banglar Communist Party (PBCP), last updated 27 August 2017 ([url](#)).

### 10.3 Ability of the state to counter terrorist groups

During the past year the number of terrorist attacks have increased in Bangladesh. The government, in turn, has adopted a so-called ‘zero-tolerance’ policy towards terrorism; in this regard state authorities made numerous arrests of terrorist suspects and continued its counterterrorism cooperation with the international community. Even though both AQIS and IS claimed responsibility for a large number of attacks in Bangladesh, and despite the fact Bangladesh was featured in multiple publications, videos and websites associated with the above-mentioned organisations, the authorities often attributed extremist violence to the political opposition and local militants <sup>(244)</sup>.

Freedom House states that ‘[v]iolence by Islamist political parties and other pressure groups has increased in the past several years, and larger-scale terrorist attacks by Islamist militant groups escalated in 2016’ <sup>(245)</sup>. According to SATP, in 2016 there were 47 civilian and security-personnel fatalities related to Islamist extremism, which roughly double the number of the previous year <sup>(246)</sup>.

The Bangladeshi authorities try to counteract terrorist activity and since July 2016 have successfully disrupted a number of planned attacks and made a number of arrests; several operations against suspected militants have resulted in fatalities <sup>(247)</sup>.

The Awami League (AL)-led government, which manage to strengthen its power in the wake of the 2014 elections, has initiated firm measures against Islamist groups and left-winged movements in the country. According to partial data, provided by the SATP, the figures for the last year are as follows:

‘74 Islamist terrorists were killed and another 1,227 arrested across Bangladesh in different raids in 2016. Prominent among those killed were the ‘national operations commander’ of JMB Abdullah aka Noman (35); ‘Dhaka regional commander’ of JMB Kamal aka Hiran (30); ‘military and IT trainer’ of Ansarullah Bangla Team (ABT) Shariful aka Arif; Neo-JMB leader and mastermind of Gulshan attack Tamim Ahmed Chowdhury aka Shaykh Abu Ibrahim Al Hanif aka Amir (30); JMB ‘military commander’ for the northern region Khaled Hasan aka Badar Mama (30); Neo-JMB ‘military commander’ Murad aka Jahangir Alam aka Omar; and JMB ‘regional commander’ Tulu Mollah (33). By comparison, 31 Islamist terrorists were killed in 2015 and 22 in 2014’ <sup>(248)</sup>.

The measures taken in response to the numerous attacks in the spring and early summer of 2016, resulted in the arrests of more than 15,000 people. But according to different rights groups, these measures were accompanied by widespread human rights abuses, committed by state agents, including enforced disappearances, custodial deaths and arbitrary arrests <sup>(249)</sup>.

As a part of governmental efforts to counter terrorist groups, on 2 March 2017 the leader of JMB, Maulana Abul Kashem, was arrested. JMB is the militant group which authorities consider to be responsible for the attack at the restaurant in Dhaka on 1 July 2016 <sup>(250)</sup>. On 5 March 2017, the government banned Ansar al-Islam. Ansar al-Islam became the seventh extremist organisation banned by the government. The six other groups banned in previous years are JMB, Jagrata Muslim Janata Bangladesh (JMJB), Harkat-ul-Jehad al-Islami Bangladesh (HUJI-B), Hizb ut-Tahrir (HT), Shahadat-e-Al Hikma (SAH) and Ansarullah Bangla Team (ABT). Three other militant groups – Dawat

<sup>(244)</sup> US DoS, Country Reports on Terrorism 2016 - Bangladesh, 19 July 2017 ([url](#)).

<sup>(245)</sup> Freedom House, Freedom in the World 2017 - Bangladesh, 2 June 2017 ([url](#)).

<sup>(246)</sup> SATP, Bangladesh Fatalities 2005-2017, n.d. ([url](#)).

<sup>(247)</sup> Gov.uk, Foreign travel advice – Bangladesh, n.d ([url](#)).

<sup>(248)</sup> SATP, Bangladesh Assessment 2017, n.d. ([url](#)).

<sup>(249)</sup> Freedom House, Freedom in the World 2017 - Bangladesh, 2 June 2017 ([url](#)).

<sup>(250)</sup> Germany: Federal Office for Migration and Asylum, Information Centre Asylum and Migration Briefing Notes, 6 March 2017 ([url](#)).

e-Islam, Allar Dal and Harkat e-Islam Al Jihad – have also been monitored by the authorities for possible bans <sup>(251)</sup>.

Bangladesh's RAB force also conducted counterterrorist activities and raided hideouts of suspected terrorists. The raids are a continuation of the crackdown initiated in the wake of the attack on the restaurant in Dhaka in July 2016 and the two suicide attacks close to the airport in Dhaka in March 2017. Bangladeshi officials blame the attacks on JMB, to which the government links opposition parties such as BNP and Jamaat-e-Islami. The recent raids appear to have targeted the Neo-JMB <sup>(252)</sup>.

The government's efforts to counter the Neo-JMB have led to the arrest of 10 suspected members in Dhaka on 9 January 2017 <sup>(253)</sup>. Neo-JMB's leader, Sarwar Jahan (also called Shayokh Abu Ibrahim Al Hanif) died during a RAB raid in 2016 <sup>(254)</sup>.

## 11. Freedom of expression and of the media

Freedom House stated in their *Freedom of the Press 2016* report, 'Bangladesh's media environment suffered major setbacks in 2015. The year was marked by deadly attacks against bloggers [carried out by Islamist militants] and a spate of politically motivated legal cases against journalists. Growing concerns over state censorship – including of internet-based content – also had a chilling effect on freedom of expression' <sup>(255)</sup>.

### 11.1 Overview of the media in Bangladesh

#### 11.1.1 Television, radio, newspapers

Amnesty International noted in a report of May 2017 that '[t]here were some 2,800 newspapers and magazines in Bangladesh in 2017, as well as scores of independent TV and radio stations throughout the country. Online news is increasingly popular and often accessed through mobile devices, with at least 500 news portals active by the end of 2014' <sup>(256)</sup>.

BTV (Bangladesh Television), which is state owned and editorially controlled, is the only terrestrial television network with national reach. The government also owns and controls Radio Bangladesh, which covers almost the entire country <sup>(257)</sup>.

Newspapers are generally diverse in their views and outspoken <sup>(258)</sup>. But political considerations influence the distribution of government advertising revenue and subsidies on the cost of newsprint. Private business interests are also able to influence content through the allocation of advertising. As Freedom House noted in a report of 2016, '[p]rivate broadcast and print media in Bangladesh are

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<sup>(251)</sup> Bd News, Ansar al-Islam banned in Bangladesh, 5 March 2017 ([url](#)); India Today, Bangladesh government bans extremist organization Ansar al-Islam, 5 March 2017 ([url](#)); Independent (The), Ansar al-Islam banned, 6 March 2017 ([url](#)).

<sup>(252)</sup> Jamestown Foundation, 'Bangladesh: Security Forces Raid Islamist Bases', 7 April 2017 ([url](#)).

<sup>(253)</sup> Grid91, Current State of Affair in Bangladesh (Report) – Part 1, 20 March 2017 ([url](#)), p. 5.

<sup>(254)</sup> Daily Star (The), Dead militant Abdur Rahman is Neo JMB chief Sarwar Jahan: Rab, 21 October 2016 ([url](#)).

<sup>(255)</sup> Freedom House, Freedom of the Press 2016 - Bangladesh, 26 April 2016 ([url](#)).

<sup>(256)</sup> Al, 'Caught Between Fear and Repression: Attacks on Freedom of Expression in Bangladesh', 2 May 2017 ([url](#)), p. 28.

<sup>(257)</sup> BBC News, Bangladesh Profile – Media, updated 18 February 2016 ([url](#)); US DoS, 2016 Country Reports on Human Rights Practices - Bangladesh, 3 March 2017 ([url](#)), Section 2a.

<sup>(258)</sup> BBC News, Bangladesh Profile – Media, updated 18 February 2016 ([url](#)).

often owned by business conglomerates controlled by politically influential individuals (...) Some of these outlets allow the political interests of their owners to influence their news coverage<sup>(259)</sup>.

In rural areas – where the majority of the country’s population lives – most households cannot afford a television set and also do not have a reliable supply of electricity. Access to television is therefore much more common in urban areas. Lower literacy rates in rural areas also limit the reach of newspapers outside of urban centers <sup>(260)</sup>.

### 11.1.2 Internet

Access to the internet, either through smartphones or computers, has increased rapidly in Bangladesh. Although estimates vary widely, according to the Internet World Stats website there were about 73 million internet users in the country by 30 June 2017, representing 44.5 % of the population. Facebook had about 21 million users <sup>(261)</sup>.

## 11.2 Laws affecting freedom of the media

### 11.2.1 The Constitution

Article 39 of the Constitution guarantees freedom of thought and conscience, as well as freedom of expression and of the press – subject to ‘any reasonable restrictions imposed by law in the interests of the security of the State, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence’ <sup>(262)</sup>.

The US DoS 2016 Report on Human Rights Practices observed that while the constitution secures freedom of speech and press, the government ‘frequently failed to respect these rights in practice’<sup>(263)</sup>.

### 11.2.2 Relevant legislation

#### Defamation and sedition laws

The **Code of Criminal Procedure**, under Section 99a, empowers the state to take possession of any printed matter (newspaper or magazine) which is deemed by a government official to be ‘defamatory’ of the President, Prime Minister, Speaker of Parliament or the Chief Justice of Bangladesh; or ‘grossly indecent or scurrilous or obscene’; or which may incite a person to commit a ‘cognisable’ criminal offence (a offence in which an arrest can be made without a warrant) <sup>(264)</sup>.

Under the **Penal Code of 1860**, Sections 500 and 501 (Defamation), it is a criminal offence punishable by a term of imprisonment of up to two years and/or a fine, to publish material which a court decides is defamatory of any person. Section 124a (Sedition) of the Penal Code provides that it is a criminal

<sup>(259)</sup> Freedom House, Freedom of the Press 2016 - Bangladesh, 26 April 2016 ([url](#)).

<sup>(260)</sup> Freedom House, Freedom of the Press 2016 - Bangladesh, 26 April 2016 ([url](#)).

<sup>(261)</sup> Internet World Stats, Asia Internet use - Population data and Facebook statistics, June 2017 ([url](#)).

<sup>(262)</sup> Bangladesh, The Constitution of People’s Republic of Bangladesh, Part III Fundamental Rights, Freedom of thought and conscience, and of speech, 1972 (amended 2011) ([url](#)).

<sup>(263)</sup> US DoS, 2016 Country Reports on Human Rights Practices - Bangladesh, 3 March 2017 ([url](#)), Section 2a.

<sup>(264)</sup> Bangladesh, The Code of Criminal Procedure (Act No. V of 1898), Part III, General Provisions, Chapter VII Of Processes to Compel the Production of Documents and Other Movable Property, and for the Discovery of Persons Wrongfully Confined, Power to declare certain publications forfeited and to issue search warrants for the same, 1898 ([url](#)).

offence, subject to a term of imprisonment and/or a fine, to ‘bring into hatred or contempt, or excite or attempt to excite disaffection towards the Government established by law’ <sup>(265)</sup>.

Amnesty International noted in a report of May 2017 that it is ‘rare’ for criminal defamation and sedition charges against journalists to lead to convictions. However, the provisions in the Penal Code have been used to harass and intimidate editors and journalists. For example, the editors of the newspapers The Daily Star and Prothom Alo have faced numerous sedition and defamation charges since 2015, incurring costly and time-consuming legal procedures to defend themselves. Most of the cases against them were reportedly filed by members and supporters of the ruling Awami League <sup>(266)</sup>.

## Security legislation

The **Official Secrets Act** of 1923 prohibits the publication of any state secrets. If a newspaper publishes officially secret information, the reporter, editor, printer and publisher will all be guilty of committing an offence <sup>(267)</sup>.

## Control of broadcast media (television and radio)

The **National Broadcasting Policy 2014**, obliged all television and radio stations to obtain a licence from the government. It requires broadcasters to ‘show due respect’ for religion and religious sentiment, to promote equal rights of women, to implement a broadcasting Code of Guidance and receive complaints from the public, and to prevent unwarranted infringements of personal privacy. The Policy also prohibits the broadcasting of misinformation or ‘distorted truth’, or programmes which instigate violence, criminal activity or ‘contradict national culture’ <sup>(268)</sup>.

## Legislation specific to the internet

All internet communications are subject to the **Information and Communications Technology Act, 2006 (ICT Act)** as amended in 2009 and 2013. Section 57 of the ICT Act makes it a criminal offence to post any material on the internet which

‘is fake and obscene or its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it, or causes to deteriorate or creates possibility to deteriorate law and order, prejudice the image of the State or person or causes to hurt or may hurt religious belief or instigate against any person or organization, then this activity (...) will be regarded as an offence’ <sup>(269)</sup>.

Contravention of the ICT Act carries a penalty of between 7 and 14 years imprisonment. According to Freedom House, the Act ‘has been used to arrest and charge a number of individuals for online expression in recent years, including bloggers and mainstream journalists’ <sup>(270)</sup>. Amnesty International stated the ICT Act often is used by the authorities to harass, target and imprison critics <sup>(271)</sup>.

<sup>(265)</sup> Bangladesh, The Penal Code (Act No. XLV of 1860), 1860 ([url](#)).

<sup>(266)</sup> AI, Caught Between Fear and Repression: Attacks on Freedom of Expression in Bangladesh, 2 May 2017 ([url](#)), pp. 8, 30, 31, 47.

<sup>(267)</sup> Bangladesia, Press Laws, modified 18 March 2015 ([url](#)).

<sup>(268)</sup> Bangladesh: Ministry of Information, National Broadcast Policy 2013 (draft), 20 October 2013 ([url](#)).

<sup>(269)</sup> International Commission of Jurists, Briefing Paper on the amendments to the Bangladesh Information Communication Technology Act 2006’, November 2013 ([url](#)), p. 3.

<sup>(270)</sup> Freedom House, Freedom of the Press 2016 - Bangladesh, 26 April 2016 ([url](#)).

<sup>(271)</sup> AI, Student activist arrested for Facebook posts, 2 September 2016 ([url](#)).

A **Digital Security Bill**, intended to replace certain sections of the ICT Act, was approved by the Cabinet in August 2016 but, as of 9 September 2017, had not yet been enacted by Parliament <sup>(272)</sup>.

### 11.3 Politically-motivated limitations on freedom of expression

The US DoS 2016 Country Reports on Human Rights Practices states, '[b]oth print and online independent media were active and expressed a wide variety of [political] views; however, media outlets that criticized the government experienced negative government pressure (...) The government sought to censor the media indirectly through threats and harassment'<sup>(273)</sup>.

As noted in [section 11.2.2](#), various journalists and senior opposition politicians have been charged with contravening sedition and defamation laws although, in most instances, the cases did not proceed to trial.

The US DoS observed, '[t]here were several incidents of government interference in internet communications, filtering or blocking of access, restricting content, and censoring websites or other communications and internet services. Many websites were suspended or closed based on vague criteria, or with explicit reference to their pro-opposition content in violation of legal requirements'<sup>(274)</sup>.

Reporters Without Borders (RSF) confirmed in an August 2016 statement that the Bangladesh Telecommunication Regulatory Commission (BTRC) had blocked access to 35 news websites 'without giving any official reason' and without referring the matter to the courts before taking action. RSF commented, '[t]his wave of administrative blocking by Prime Minister Sheikh Hasina's government represents a significant escalation in its policy of suppressing news reports and opinions critical of the government'<sup>(275)</sup>.

According to the NGO Ain o Salish Kendra (ASK), there were a total of 117 incidents of harassment against journalists during 2016, of which there were '9 threats from ruling party members or its affiliates' and 9 incidents of harassment by law enforcement agencies <sup>(276)</sup>.

#### 11.3.1 Self-censorship

Although public criticism of the government is reportedly common and vocal, journalists have stated that they engage in self-censorship due to fear of harassment and retribution by the authorities <sup>(277)</sup>.

### 11.4 Violence and intimidation by Islamists

Bangladesh has experienced a substantial increase in violent extremist activity since 2015, targeted mainly at organisations and individuals (including journalists, publishers and internet bloggers) who are seen to have secularist, atheistic or 'un-Islamic' views, or who promote women's or LGBT rights <sup>(278)</sup>.

Islamist militant groups in Bangladesh have, on a number of occasions, issued so-called 'hit-lists' threatening the lives of specific writers, internet bloggers, human rights activists and others. These

<sup>(272)</sup> Rahman, G.M., Resolving the issue of Section 57 in ICT Act, 9 September 2017 ([url](#)).

<sup>(273)</sup> US DoS, 2016 Country Reports on Human Rights Practices - Bangladesh, 3 March 2017 ([url](#)), Section 2a.

<sup>(274)</sup> US DoS, 2016 Country Reports on Human Rights Practices - Bangladesh, 3 March 2017 ([url](#)), Section 2a.

<sup>(275)</sup> RSF, Bangladesh: RSF condemns government blocking of 35 news sites, 8 August 2016 ([url](#)).

<sup>(276)</sup> ASK, Journalist Harassment : January-December 2016, 8 January 2017 ([url](#)).

<sup>(277)</sup> US DoS, 2016 Country Reports on Human Rights Practices - Bangladesh, 3 March 2017 ([url](#)), Section 2a.

<sup>(278)</sup> US DoS, Country Report on Terrorism 2015 - Bangladesh, published 2 June 2016 ([url](#)).

lists have appeared on the internet or were mailed to newspapers <sup>(279)</sup>. For example, in November 2015 the proscribed Islamist group Ansarullah Bangla Team (later to be known as Ansar al-Islam, an affiliate of AQIS) published a ‘hit-list’ threatening the lives of 34 secular bloggers, writers and activists whom they termed ‘apostates and enemies of Islam’ <sup>(280)</sup>.

During 2015 four internet bloggers and a publisher were murdered, each hacked to death with machetes. AQIS claimed responsibility for all of the attacks. The victims were secularist bloggers and critics of religious extremism Niladri Chattopadhyay Niloy (also known by his pseudonym Niloy Neel), Ananta Bijoy Das and Washiqur Rahman Babu; writer and blogger Dr Avijit Roy; and Faisal Abedin Deepan of the Jagriti Prokashoni publishing house, which had published books authored by Avijit Roy. Two other writers and another publisher were attacked and wounded in October 2015 <sup>(281)</sup>.

It was reported on 7 April 2016 that another blogger, Najimuddin Samad, had been murdered in Dhaka by unidentified assailants. Samad had written critically on Facebook about Islamism and the issue of whether the Bangladeshi constitution should include Islam as a state religion <sup>(282)</sup>. Then, on 25 April 2016, Xulhaz Mannan, the editor of Bangladesh’s first LGBT magazine, Roopban, and his partner Mahbub Rabbi Tonoy, were murdered in a machete attack in Dhaka. A Twitter post from Ansar al-Islam claimed responsibility and stated that the two men were killed for being ‘pioneers of practicing and promoting homosexuality in Bangladesh’ <sup>(283)</sup>.

#### **11.4.1 State response to extremist violence**

Agence France Presse (AFP) reported on 11 November 2015 that the Bangladesh police had taken measures to protect individuals seen to be at risk: ‘A prominent Bangladeshi academic [Anisuzzaman] and other secular writers, bloggers and intellectuals have been given increased security, police said (...) amid fears they could be the next victims of violence blamed on Islamic militants’ <sup>(284)</sup>.

In December 2015, a Dhaka court convicted eight people in connection with the 2013 murder of a blogger, Ahmed Rajib Haider. Two of them received death sentences <sup>(285)</sup>. As of September 2017, those responsible for the 2015 and 2016 murders referred to above had not yet been brought to justice.

Amnesty International stated in May 2017, ‘[s]ince June 2016, the Bangladeshi authorities have significantly increased operations by security forces against armed groups, leading to thousands of arrests and the killings of dozens of suspects in what security forces claimed to be shootouts’ <sup>(286)</sup>.

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<sup>(279)</sup> AI, Caught Between Fear and Repression: Attacks on Freedom of Expression in Bangladesh, 2 May 2017 ([url](#)), p. 16.

<sup>(280)</sup> VOA Asia, Bangladesh Secular Bloggers Defiant Despite New Threats, 28 September 2015 ([url](#)); Dhaka Tribune (The), New hit list targets 34 secular individuals, 11 November 2015 ([url](#)).

<sup>(281)</sup> Al Jazeera, Fourth secular Bangladesh blogger hacked to death, 7 August 2015 ([url](#)); Guardian (The), Secular publisher hacked to death in latest Bangladesh attacks, 31 October 2015 ([url](#)).

<sup>(282)</sup> Committee to Protect Journalists, Secular blogger hacked and shot to death in Bangladesh, 7 April 2016 ([url](#)).

<sup>(283)</sup> AI, Caught Between Fear and Repression: Attacks on Freedom of Expression in Bangladesh, 2 May 2017 ([url](#)), p. 19.

<sup>(284)</sup> AFP, Bangladesh police boost security for writers, bloggers, 11 November 2015 ([url](#)).

<sup>(285)</sup> AI, Caught Between Fear and Repression: Attacks on Freedom of Expression in Bangladesh, 2 May 2017 ([url](#)), p. 19.

<sup>(286)</sup> AI, Caught Between Fear and Repression: Attacks on Freedom of Expression in Bangladesh, 2 May 2017 ([url](#)), p. 22.

## 12. Freedom of Religion

The Constitution provides under Article 2A, '[t]he state religion of the Republic is Islam, but the State shall ensure equal status and equal right in the practice of the Hindu, Buddhist, Christian and other religions' <sup>(287)</sup>. It prohibits religious discrimination and provides for equality for all religions <sup>(288)</sup>.

The law regulates which groups, including religious organisations, have the possibility to receive foreign funding. The government's efforts to prevent support of militancy and spread of a radical ideas includes providing guidance to *imams* throughout the country on some aspects of the content of their ceremonies. Another part of authorities' efforts includes monitoring of mosques for extremist messages. The government made progress in arresting and indicting attackers of bloggers from previous years, although top officials continued to blame writers for offending religious sentiments. Religious minority groups claims the government discriminates against them in property disputes and did not adequately protect them from attacks <sup>(289)</sup>. According to Freedom House's last annual report, in both 2016 and in 2015, attacks against religious minorities by Islamist extremist groups occurred on a regular basis. In addition, religious minorities remain underrepresented in politics and state agencies, though the Awami League-led government has appointed several members of such groups to leadership positions <sup>(290)</sup>.

### 12.1 Religious demography

The total population of Bangladesh is 162.9 million (July 2016 estimate) <sup>(291)</sup>. Sources estimate the Sunni Muslims represent 83-90 % of the total population, and Hindus accounts for approximately 10 % (2013 estimate). Other religions accounts for less than 1 % and comprise predominantly Christians and Theravada-Hinayana Buddhists, mainly concentrated in the Chittagong Hills. There are also small numbers of Shia Muslims, Baha'is, Animists, Ahmadi Muslims, Sikhs, Protestant Christians, agnostics, and atheists. Most of these communities estimate their numbers at between a few thousand and 100,000 adherents <sup>(292)</sup>.

### 12.2 Hindus

In the past four decades, the Hindu population of Bangladesh has decreased from an estimated 23 % of the population in 1971 to approximately 9 % in 2016, mainly due to contested property issues and harassment, and occasional physical attacks <sup>(293)</sup>.

In 2016, a significant number of attacks against religious minorities, particularly Hindus, occurred. Extremist groups, claiming to be affiliated with IS or AQIS, took responsibility for the majority of the assaults. During the period February 2016 - July 2016 ten Hindus were killed in ten separate attacks, seven of which were claimed by IS. During 2015 there were three attacks resulting in one death.

<sup>(287)</sup> Bangladesh, The Constitution of the People's Republic of Bangladesh, 1972 (amended 2011) ([url](#)).

<sup>(288)</sup> OHCHR, Report of the Special Rapporteur on freedom of religion or belief on his mission to Bangladesh, 22 January 2016 ([url](#)), p. 3; US DoS, International Religious Freedom Report for 2016 - Bangladesh, 15 August 2017 ([url](#)).

<sup>(289)</sup> US DoS, International Religious Freedom Report for 2016 - Bangladesh, 15 August 2017 ([url](#)).

<sup>(290)</sup> Freedom House, Freedom in the World 2017 – Bangladesh, 2 June 2017 ([url](#)).

<sup>(291)</sup> United Nations Department of Economic and Social Affairs, 2017 Revision of World Population Prospects, 21 June 2017 ([url](#)).

<sup>(292)</sup> US DoS, International Religious Freedom Report for 2016 - Bangladesh, 15 August 2017 ([url](#)); CIA, The World Factbook, Bangladesh, n.d. ([url](#)); World Atlas, Religious Beliefs in Bangladesh, last updated 25 April 2017 ([url](#)); UK: Home Office, Report of a Home Office Fact-Finding Mission to Bangladesh, conducted 14-26 May 2017, September 2017 ([url](#)).

<sup>(293)</sup> OHCHR, Report of the Special Rapporteur on freedom of religion or belief on his mission to Bangladesh, 22 January 2016 ([url](#)), p. 5.

Regarding Hindus' property, in 2016 attackers destroyed 197 statues, monasteries or temples, compared to 213 in 2015; and in 2016 192 Hindu homes and two Hindu businesses were destroyed, compared to 104 homes and six businesses in 2015 <sup>(294)</sup>.

A non-exhaustive list of attacks against Hindus in 2016 include: three incidents in July 2016, when a masked person attempted to enter the room of a Hindu priest in Bandarban, three masked men with machetes attacked another Hindu priest in Kishoreganj district, and a Hindu priest in Satkira was hospitalised after assailants tried to hack him to death. The first two attacks resulted in no injuries <sup>(295)</sup>.

On 30 June 2016, a Hindu priest was hacked to death in front of a temple in Jhinaidah district. A local member of the Jamaat-e-Islami group was arrested <sup>(296)</sup>. Earlier the same month, another Hindu priest was attacked and killed in the same district. The perpetrators were said to be members of JMB <sup>(297)</sup>.

Communal violence against Hindus includes an incident on 11 January 2016 when a crowd besieged a Hindu ashram and temple due to alleged burning of copies of the Quran. The ashram or the temple was not damaged, but unknown attackers set fire to the house of the Hindu man who was accused of burning the Quran. According to media reports, the attacks were a result of hostility between two factions of the local chapters of the ruling Awami League Party <sup>(298)</sup>.

In late October – early November 2016, hundreds of villagers in the eastern district of Brahmanbair vandalised and looted more than 100 Hindu family homes and 17 Hindu temples. Dozens of arrests were made after the attacks <sup>(299)</sup>.

According to statistics by ASK, 26 Hindu homes, as well as 166 temples, monasteries or statues have been destroyed during the period January 2017 – September 2017. In the same period, one Hindu man has been killed due to his faith, while other 57 have been injured <sup>(300)</sup>.

Land ownership issues for Hindus continued, as the government did not arbitrate any of the one million pending restitution cases involving land seized from Hindus who left Bangladesh before the nation's independence, at the time characterised as enemies of the state. According to US DoS, land disputes have at times disproportionately affected religious minorities, and in particular the Hindu community <sup>(301)</sup>.

### 12.3 Ahmadiyya (Ahmadis)

There are an estimated 100,000 Ahmadis in Bangladesh <sup>(302)</sup>. Since the year 2000 about 100 attacks against the Ahmadiyya community have been recorded. Half of the attacks took place between 2001 and 2008 during the BNP and caretaker government regimes. In 2004, the BNP government imposed a ban upon Ahmadi publications, several Ahmadi mosques were besieged, and signboards with hostile slogans were put up in different parts of Bangladesh. On 8 May 2017 in Mymensingh, a number of *madrassa* students attacked and critically injured an Ahmadi *imam* in Ishwarganj <sup>(303)</sup>. During another incident in 2016, a suicide blast by suspected Islamist extremists at an Ahmadi mosque in the

<sup>(294)</sup> US DoS, International Religious Freedom Report for 2016 - Bangladesh, 15 August 2017 ([url](#)).

<sup>(295)</sup> US DoS, International Religious Freedom Report for 2016 - Bangladesh, 15 August 2017 ([url](#)).

<sup>(296)</sup> Al Jazeera, Hindu priest hacked to death in Bangladesh, 1 July 2016 ([url](#)).

<sup>(297)</sup> BBC News, Bangladesh Hindu priest murdered by militants, 7 June 2016 ([url](#)).

<sup>(298)</sup> US DoS, International Religious Freedom Report for 2016 - Bangladesh, 15 August 2017 ([url](#)).

<sup>(299)</sup> Al Jazeera, Dozens arrested for attacks on Hindus in Bangladesh, 6 November 2016 ([url](#)).

<sup>(300)</sup> ASK, Violence Against Hindu Community : January-September 2017, 22 October 2017 ([url](#)).

<sup>(301)</sup> US DoS, International Religious Freedom Report for 2016 - Bangladesh, 15 August 2017 ([url](#)).

<sup>(302)</sup> New York Times (The), Suicide Bomber Strikes at Ahmadi Mosque in Bangladesh, 25 December 2015 ([url](#)).

<sup>(303)</sup> Javid Khan, S., Bangladesh: A history of repression of the Ahmadiyya Muslim Jamaata in Bangladesh, 13 June 2017 ([url](#)).

northwestern town of Bagmara wounded three people. Similar attacks by militants against the Ahmadi community have occurred over the last few years <sup>(304)</sup>.

While members of the Ahmadiyya community regard themselves as Muslim, doctrinal differences have led some mainstream Muslims to condemn their beliefs as heretical and to demand that the state declare them to be non-Muslims <sup>(305)</sup>.

Examples of local discrimination against Ahmadis during 2016 mentioned by one source include: social exclusion, obstacles to buy in local shops and use any transports; and an instance of a school teacher who was fired after being labelled as a 'Christian' <sup>(306)</sup>.

## 12.4 Christians

The Christian population make up less than 1 % of Bangladesh's population <sup>(307)</sup>. Of the Christian population, 50 % are Catholic and 50 % are Protestants. Christians reside mostly in the south. In the capital city of Dhaka, most Christians are Roman Catholics, while the Protestants can be found also in the southern city Barisal and elsewhere in the country <sup>(308)</sup>.

Minority Rights Group International (MRG) describes them as discriminated against and marginalised, though sectarian clashes have been rare in the past. Land disputes have occasionally taken on a religious dimension. Targeting by extremist groups, in particular directed towards priests, have occurred in the past few years <sup>(309)</sup>.

In May 2016, 700 mainly Catholic indigenous Khasia people had to move from their ancestral lands following a notice by the district administration of Moulvibazar. The notice accused them of illegally occupying government property. On 6 November 2016, police in Gaibandha fired on Santal tribal people, most of whom were Christian, who were trying to occupy land the government had acquired in 1962 to grow sugarcane for a sugar mill. It resulted in the death of three Santal people and 25 injured. Minority religious leaders stated the government did not equally issue funds to Christian institutions, instead favouring the Islamic Foundation <sup>(310)</sup>.

## 12.5 Family law in Bangladesh

Family law concerning marriage, divorce and adoption is different for Muslims, Hindus, and Christians. There is also a separate civil family law for mixed faith families or those of other faiths or atheists <sup>(311)</sup>.

In Bangladesh, marriages are governed by the following acts: the Muslim Marriage Act (1974), the Hindu Marriage Act (1956), the Christian Marriage Act (1872), and the Special Marriage Act (1872, for interreligious marriage) <sup>(312)</sup>.

According to Muslim family law, a man may have up to four wives, with the written consent of his existing wife or wives before marrying again. Many Muslim marriages are not registered with the

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<sup>(304)</sup> AFP, Ahmadi cleric critical after cleaver attack in Bangladesh, 9 May 2017 ([url](#)); Reuters, Cleric from Ahmadiyya community attacked in Bangladesh, 9 May 2017 ([url](#)).

<sup>(305)</sup> Freedom House, Freedom in the World 2016 – Bangladesh, 24 May 2016 ([url](#)).

<sup>(306)</sup> BdNews24, 11 Ahmadiyya Muslim families 'ostracised' in Kushtia village, 26 February 2017 ([url](#)).

<sup>(307)</sup> MRG, Under threat: The challenges facing religious minorities in Bangladesh, October 2016 ([url](#)), p. 11.

<sup>(308)</sup> UK: Home Office, Report of a Home Office Fact-Finding Mission to Bangladesh, conducted 14-26 May 2017, September 2017 ([url](#)).

<sup>(309)</sup> MRG, Under threat: The challenges facing religious minorities in Bangladesh, October 2016 ([url](#)), p. 11.

<sup>(310)</sup> US DoS, International Religious Freedom Report for 2016 - Bangladesh, 15 August 2017 ([url](#)).

<sup>(311)</sup> US DoS, International Religious Freedom Report for 2016 - Bangladesh, 15 August 2017 ([url](#)).

<sup>(312)</sup> Kamruzzaman, M., 'Interreligious Marriage in Bangladesh: From Human Rights Perspective', 2016 ([url](#)), p. 45.

state, although this is required by law. Wives have fewer divorce rights than husbands. Courts must approve divorces and three months of alimony is to be rewarded to the wife, though this in generally only applies to registered marriages. The alimony requirement is not always enforced by authorities even for registered marriages <sup>(313)</sup>.

A Christian man can only marry one woman. Under Hindu law, men may have multiple wives, but are not able to file for divorce by official means. Also under Hindu law, women may not inherit property <sup>(314)</sup>. Since 2012, Hindus have the option to register their marriage <sup>(315)</sup>. Buddhists are covered under Hindu law. Divorced men and women of other religions and widowed individuals of any religion may have a subsequent marriage <sup>(316)</sup>.

Alternative dispute resolution is available to all citizens for settling civil disputes not related to land ownership <sup>(317)</sup>.

See also [14.2.6 Forced marriage](#) and [14.3 Child marriage](#).

## 12.6 Interfaith marriages

In Bangladesh, interfaith marriages are allowed, and occur under civil law <sup>(318)</sup>. However, persons entering into inter-religious marriages might be subject to discrimination, harassment, social exclusion or violence, including from their wider families <sup>(319)</sup>. The severity and nature of repercussions depends on the couple's social standing <sup>(320)</sup>.

Interreligious marriages are not common in Bangladesh <sup>(321)</sup>. According to the UN Special Rapporteur on freedom of religion, the low frequency of interreligious marriages is mainly explained by the existing structure of personal laws <sup>(322)</sup>. The UN Special Rapporteur's report states:

'For instance, a Muslim woman cannot legally marry a non-Muslim man. In such cases, the only resort — apart from conversion or emigration — is by applying the Special Marriage Act of 1872. However, in order to have their marriage validated under the Special Marriage Act, the marrying couple must declare officially that they do not believe in any institutionalized religion. (...) This unusual stipulation constitutes a factually insurmountable hurdle for many people. Either they understand themselves as believers rather than non-believers, or they would in any case prefer not to publicly proclaim non-belief for fear of societal ostracism or other inimical reactions' <sup>(323)</sup>.

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<sup>(313)</sup> US DoS, International Religious Freedom Report for 2016 - Bangladesh, 15 August 2017 ([url](#)).

<sup>(314)</sup> US DoS, International Religious Freedom Report for 2016 - Bangladesh, 15 August 2017 ([url](#)).

<sup>(315)</sup> Hindu (The), Hindu Marriage Act in Bangladesh, 20 September 2012 ([url](#)).

<sup>(316)</sup> US DoS, International Religious Freedom Report for 2016 - Bangladesh, 15 August 2017 ([url](#)).

<sup>(317)</sup> US DoS, International Religious Freedom Report for 2016 - Bangladesh, 15 August 2017 ([url](#)).

<sup>(318)</sup> US DoS, Report of International Religious Freedom 2016 – Bangladesh, August 2017 ([url](#)).

<sup>(319)</sup> Australia: Refugee Review Tribunal, Bangladesh: 1. Please provide information about the societal attitudes (particularly among Muslims) to inter-religious and inter-racial de facto relationships in Bangladesh. ..., 12 February 2008 ([url](#)), p. 5; Kamruzzaman, M., 'Interreligious Marriage in Bangladesh: From Human Rights Perspective', 2016 ([url](#)), pp. 49-50.

<sup>(320)</sup> Kamruzzaman, M., 'Interreligious Marriage in Bangladesh: From Human Rights Perspective', 2016 ([url](#)), pp. 49-50.

<sup>(321)</sup> OHCHR, Report of the Special Rapporteur on freedom of religion or belief on his mission to Bangladesh, 22 January 2016 ([url](#)), p. 16; Mizan, A.S., On marriage, convenience, rights, and politics, 26 September 2017 ([url](#)).

<sup>(322)</sup> OHCHR, Report of the Special Rapporteur on freedom of religion or belief on his mission to Bangladesh, 22 January 2016 ([url](#)), p. 16.

<sup>(323)</sup> OHCHR, Report of the Special Rapporteur on freedom of religion or belief on his mission to Bangladesh, 22 January 2016 ([url](#)).

In practice, conversion or denouncement of one's religion is often needed before couples of different religions may marry <sup>(324)</sup>.

## 13. Ethnic groups

According to the CIA World Factbook at least 98 % of Bangladesh's population is Bengali; other ethnic groups make up around 1.1 % <sup>(325)</sup>.

### 13.1 The indigenous peoples (Adivasi) of the Chittagong Hill Tracts and northern Bangladesh

According to the Bangladesh Adivasi Forum, there are estimated to be some 45 indigenous ethnic groups or tribal communities in Bangladesh, who mainly live in the south east (Chittagong) and in the north of the country. Together they number about 2.5 million people <sup>(326)</sup>.

Jumma is the collective name for the indigenous peoples of the Chittagong Hill Tracts (CHT). The Hill Tracts are steep hills where cultivation is difficult. They speak various indigenous languages and dialects and are a population of around 800,000. The most numerous Jumma tribes are the Chakma and the Marmas, who number about 350,000 people and follow Buddhism; other indigenous communities practice Hinduism, Christianity, or traditional religions. The tribe of Mru live on the top of the hills, far from the other Jumma peoples. About sixty-five years ago the Jumma were the only inhabitants of the Hill Tracts, but following the arrival of settlers, the Jumma became a minority in their own land. The Bangladesh government have relocated Bengalese settlers to CHT, who forcibly occupied the Jumma land and the little cultivatable land <sup>(327)</sup>. The Jumma have struggled for more than two decades for the recognition of their ethnic identities and the autonomy of their region <sup>(328)</sup>.

Since 1971, when Bangladesh gained independence, Jumma have reportedly been murdered, tortured, raped, and their villages burnt down by Bengali settlers with direct help from military forces. In defence, the Jumma founded a political party, the Jana Samhati Samiti, which also has a military wing. In 1997, the Chittagong Hill Tracts Accord was signed and put an end to the worst atrocities, but incidents of violence still occur <sup>(329)</sup>. The area remains highly militarised and according to Minority Rights Group, '[s]tate security forces have been accused of conducting attacks against Jumma communities, not intervening in incidents of communal violence and facilitating the influx of Muslim settlers' <sup>(330)</sup>. According to HRW, thousands of indigenous people in the Chittagong Hill Tracts and other areas are at risk of forced displacement <sup>(331)</sup>.

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<sup>(324)</sup> Mizan, A.S., On marriage, convenience, rights, and politics, 26 September 2017 ([url](#)).

<sup>(325)</sup> CIA, The World Factbook, South Asia: Bangladesh, last updated 30 August ([url](#)).

<sup>(326)</sup> Bangladesh Ethnobotany Online Database, Indigenous Communities of Bangladesh, n.d ([url](#)).

<sup>(327)</sup> Survival, Jumma, n.d. ([url](#)); UNPO, Chittagong Hill Tracts, 25 March 2008 ([url](#)).

<sup>(328)</sup> Dowlah, C., Jumma insurgency in Chittagong Hills Tracts: how serious is the threat to Bangladesh's national integration and what can be done?, 28 February 2014 ([url](#)).

<sup>(329)</sup> Survival, Jumma, n.d. ([url](#)); UNPO, Chittagong Hill Tracts, 25 March 2008 ([url](#)).

<sup>(330)</sup> MRG, State of the World's Minorities and Indigenous Peoples 2015, 2 July 2015 ([url](#)), p. 170.

<sup>(331)</sup> HRW, Bangladesh - events of 2016, n.d. ([url](#)).

## 13.2 Urdu-speakers (Biharis)

### 13.2.1 Background

The 'Biharis' in Bangladesh are more correctly referred to as 'Urdu-speakers', or as the 'Urdu-speaking community'. They are also sometimes referred to as 'Stranded Pakistanis' <sup>(332)</sup>. They are Muslims who migrated from Bihar and West Bengal during the Indian partition. They have been discriminated against, partly for allegedly siding with Pakistan during the 1971 war of independence <sup>(333)</sup>. They are mainly distinguished by the Urdu, or the Urdu-inflected Bangla, that they speak <sup>(334)</sup>. They are not a distinct ethnic group but a community identified by its origin from the Indian state of Bihar <sup>(335)</sup>. It is estimated that the Urdu-speaking community numbers around 250,000 - 300,000 people <sup>(336)</sup>, though some estimates run higher, to 500,000 <sup>(337)</sup>.

### 13.2.2 Legal position

The UNHCR stated on 23 February 2015, '[i]n 2008, the Supreme Court [held] that all members of the Urdu-speaking community were nationals of Bangladesh in accordance with its laws and directed the [E]lection [C]ommission to include them in electoral rolls and give them national identity cards. This declaration ended the statelessness of Urdu-speaking men, women and children residing in the country' <sup>(338)</sup>.

A detailed analysis of the citizenship rights of Urdu-speakers can be found in an analysis of December 2016 by [the EUDO Citizenship Observatory, here \(see section 3.3 Citizenship of Biharis in Bangladesh\)](#). This paper noted that, following the Supreme Court's ruling in 2008, about 80 % of eligible Urdu-speaking men and women registered to vote and obtained national identity cards. It was observed, however, that some Urdu-speakers have faced obstacles in obtaining documents such as passports and birth certificates <sup>(339)</sup>. Officials have reportedly refused passport applications for technical reasons, such as those living in refugee camps being unable to provide proof of a permanent address <sup>(340)</sup>.

### 13.2.3 Living conditions and discrimination

Many Biharis live in overcrowded camps that get flooded during rains. Lack of access to water and poor sanitation are problems in every camp. In the Geneva camp, the largest, about 30,000 people share two hundred toilets and there is a lack of access to clean water. There is no government health service in the camp, so residents use medical services at nearby hospitals. Some NGOs provide medical services such as vaccination for children <sup>(341)</sup>.

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<sup>(332)</sup> UK: Home Office, Advice from the British High Commission in Dhaka, 2004 (email); Guardian (The), 'Stranded Pakistanis' living in camps in Bangladesh – in pictures, 11 August 2014 ([url](#)); Shahid, E., 'Stranded Pakistanis' in Bangladesh: The forgotten victims of India's partition, 19 April 2017 ([url](#)).

<sup>(333)</sup> MRG, State of the World's Minorities and Indigenous Peoples 2015, 2 July 2015 ([url](#)), p. 171.

<sup>(334)</sup> Daily Star (The), Citizenship sea change, 8 March 2015 ([url](#)).

<sup>(335)</sup> Arif, K. H., Legal Status of Bihari community, 10 November 2015 ([url](#)).

<sup>(336)</sup> Daily Star (The), Citizenship sea change, 8 March 2015 ([url](#)); UNHCR, Note on the Nationality Status of the Urdu-speaking Community in Bangladesh', 17 December 2009 ([url](#)), p. 1-2; MRG, Bangladesh - Biharis, n.d. ([url](#)).

<sup>(337)</sup> Shahid, E., 'Stranded Pakistanis' in Bangladesh: The forgotten victims of India's partition, 19 April 2017 ([url](#)).

<sup>(338)</sup> UNHCR, How a court ruling changed the lives of more than 300,000 people, 23 February 2015 ([url](#)).

<sup>(339)</sup> Hoque, R., Report on Citizenship Law: Bangladesh, December 2016 ([url](#)).

<sup>(340)</sup> New Age, Bangladeshi Urdu speakers should get passport: speakers, 9 December 2016 ([url](#)).

<sup>(341)</sup> Hussain, K., Biharis: On Becoming Citizens of Bangladesh, March 2016 ([url](#)).

Minority Rights Group estimates that only 5 % of Bihari people have formal education. MRG further states that incidents of communal violence have forced Biharis to abandon their land <sup>(342)</sup>.

Other forms of discrimination include difficulties in obtaining a passport, employment in public service, and obtaining commercial licenses. The Urdu-speaking community is not officially recognised as a linguistic minority <sup>(343)</sup>.

### 13.3 The Bede people

#### 13.3.1 Way of life and discrimination

The Bede are a nomadic people also known as ‘river gypsies’. Traditionally, they travel in boats 10 months a year, working as healers or selling items <sup>(344)</sup>. Most Bede live in camps on encroached land or rented houses, or on boats stationary in the water <sup>(345)</sup>.

The community is estimated at 800,000-1000,000 people, out of which over 95 % are illiterate and 98 % live below the poverty line <sup>(346)</sup>. It is common for children as young as 11 or 12 years old to be married <sup>(347)</sup>. Climatic changes have affected the supplies of plants, herbs and animals, from which Bede women traditionally have made a living <sup>(348)</sup>. Women were once the primary breadwinners while the men stayed at home, but this had changed as the traditional income means have vanished <sup>(349)</sup>. Alternative means of subsistence are lacking and the population is growing <sup>(350)</sup>.

The Bede obtained the right to vote in 2008. Once highly regarded, their status has declined as society has modernised. According to local NGO, GramBangla Unnayan Committee, they are seen as outcasts, partly because of their eating habits that contradict Islamic tradition, and because the women do not wear purdahs [veils] and touch the bodies of male patients, which breaks with the dominant Bengali-Muslim culture <sup>(351)</sup>.

## 14. Women

### 14.1 Legal and political situation

Bangladeshi laws concerning marriage, divorce, custody, and inheritance differ in accordance with the person’s religion and are often discriminatory toward women and girls <sup>(352)</sup>. In general, the laws specifically prohibit certain forms of discrimination against women and provides special procedures

<sup>(342)</sup> MRG, State of the World's Minorities and Indigenous Peoples 2015, 2 July 2015 ([url](#)), p. 171.

<sup>(343)</sup> Hussain, K., Biharis: On Becoming Citizens of Bangladesh, March 2016 ([url](#)).

<sup>(344)</sup> DW, Bangladesh's river gypsies fighting to preserve their culture, 13 June 2011 ([url](#)).

<sup>(345)</sup> Thinkbrigade, Bangladesh's River Gypsies lose traditional lifestyle, 12 October 2012 ([url](#)).

<sup>(346)</sup> Rahman, S., Crowd Funded School Hut for Gypsy Kids, Medium, 19 January 2016 ([url](#)); Al Jazeera, Rough sailing for Bangladesh river-gypsies, 22 January 2013 ([url](#)).

<sup>(347)</sup> Al Jazeera, Rough sailing for Bangladesh river-gypsies, 22 January 2013 ([url](#)).

<sup>(348)</sup> UNDP, Enhancing Women and Girls Adaptive Capacity to Climate Change in Bangladesh, 12 November 2012 ([url](#)), p. 4.

<sup>(349)</sup> DW, Bangladesh's river gypsies fighting to preserve their culture, 13 June 2011 ([url](#)); Thinkbrigade, Bangladesh's River Gypsies lose traditional lifestyle, 12 October 2012 ([url](#)).

<sup>(350)</sup> DW, Bangladesh's river gypsies fighting to preserve their culture, 13 June 2011 ([url](#)).

<sup>(351)</sup> DW, Bangladesh's river gypsies fighting to preserve their culture, 13 June 2011 ([url](#)); Al Jazeera, Rough sailing for Bangladesh river-gypsies, 22 January 2013 ([url](#)).

<sup>(352)</sup> HRW, “Will I Get My Dues ... Before I Die?” Harm to Women from Bangladesh’s Discriminatory Laws on Marriage, Separation and Divorce, 2012 ([url](#)).

for prosecuting persons accused of violence against women and children. The enforcement of these laws is reportedly weak <sup>(353)</sup>.

Apart from provisions under the Penal Code, the website of the Bangladesh Ministry of Women and Children Affairs has listed these laws and rules as providing remedies for abusive acts against women:

- Women and Children Violence Protection Law, 2000;
- Domestic-violence prevention and Protection-Rules, 2013;
- DNA Law, 2014;
- Domestic Violence Act, 2010;
- Domestic Violence Act, 2010;
- Child Marriage Restraint Act, 2017 <sup>(354)</sup>.

Twenty women were directly elected to the 350-member unicameral Parliament (*Jatiya Sangsad*) in the 2014 general election. In addition, 50 seats are currently reserved for women, resulting in 70 out of 350 members of Parliament (20 %) being women. Members in the 50 reserved seats are appointed by the 300 elected members in proportion to each political party's representation <sup>(355)</sup>.

## 14.2 Violence and other abuse faced by women

Rape, acid throwing, and other forms of violence against women occur regularly despite laws giving some level of protection. In addition, women have fewer marriage, divorce, and inheritance rights than men, and women also face discrimination in social services and employment <sup>(356)</sup>.

### 14.2.1 Domestic and dowry-related abuse

According to a survey by the Bangladesh Bureau of Statistics (BBS), 80.2 % of women reported having been abused by a husband or male partner at least once in their lifetime <sup>(357)</sup>. According to statistics from ASK, 126 women were killed by their husbands in 2015 <sup>(358)</sup>. A confidential helpline for reporting abuse is run by the authorities, though only 2.4 % of married women and girls knew about the helpline, while 41.3 % knew of other instances where they could report experiences of violence and only 2.6 % took some legal actions for abuses committed against them <sup>(359)</sup>. 68 hospital-based crisis centers for survivors of domestic violence exist, where domestic violence survivors can receive health care, police assistance, legal advice, and psychosocial counseling. There are some support groups and shelters for survivors of domestic violence, but the number and capacity is not adequate compared to the needs <sup>(360)</sup>.

In Bangladesh giving or receiving dowry is a criminal offense, but coercive requests remain a problem <sup>(361)</sup>. The women's human rights organisation Bangladesh Mahila Parishad documented 386 women who were tortured due to dowry issues in 2015 <sup>(362)</sup>. According to reports issued by Odhikar, 206 cases

<sup>(353)</sup> US DoS, Country Reports on Human Rights Practices 2016 – Bangladesh, 3 March 2017 ([url](#)).

<sup>(354)</sup> Bangladesh: Ministry of Women and Children Affairs (website), Laws and Rules, updated 25 July 2017 ([url](#)).

<sup>(355)</sup> IFES, Women's Reserved Seats in Bangladesh: A Systemic Analysis of Meaningful Representation, June 2016 ([url](#)).

<sup>(356)</sup> Freedom House, Freedom in the World 2017 – Bangladesh, 2 June 2017 ([url](#)).

<sup>(357)</sup> BBS, Violence against Women (VAW) Survey 2015, August 2016 ([url](#)), p. 98.

<sup>(358)</sup> ASK, Violence Against Women – Dowry : January-December 2016, 8 January 2017 ([url](#)).

<sup>(359)</sup> BBS, Violence against Women (VAW) Survey 2015, August 2016 ([url](#)), p. 39.

<sup>(360)</sup> US DoS, Country Reports on Human Rights Practices 2016 – Bangladesh, 3 March 2017 ([url](#)).

<sup>(361)</sup> Freedom House, Freedom in the World 2017 – Bangladesh, 2 June 2017 ([url](#)).

<sup>(362)</sup> Bangladesh Mahila Parishad, Quest for Gender Equality and Social Justice, completion report January 2010 to March 2016, 17 November 2016 ([url](#)), p. 39.

of dowry-related violence against married women were reported in 2016 <sup>(363)</sup> and 128 instances in the first six months of 2017. Of the 128 victims, 66 were killed, 57 were physically abused and five committed suicide due to dowry demands <sup>(364)</sup>.

### 14.2.2 Rape

The law prohibits rape and physical spousal abuse, but it does not criminalise marital rape. Rape can be punished by life imprisonment or by death penalty <sup>(365)</sup>, but most cases can not reach the courts, due to a law requiring rape victims to file police reports and obtain medical certificates within 24 hours of the crime in order to press charges <sup>(366)</sup>. According to statistics provided by ASK, in total 588 rape cases were recorded in the period January- September 2017, with 100 victims between 7 and 12 years of age. 33 victims have died after being raped, and 11 rape victims committed suicide <sup>(367)</sup>. Odhikar reported of 371 rapes in the first six months of 2017 <sup>(368)</sup>.

Admissions to treatment centers for victims of gender-based violence indicated a 10 % increase in rape and other violence against women in the third quarter of 2016. Human rights monitors noted that many victims did not report rapes. This was due to a number of reasons, such as lack of access to legal aid, social stigma, fear of further harassment, as well as the legal requirement to provide witnesses. This resulted in weak and inconsistent prosecution of rapists. According to media reports, 22,386 women and children received treatment for rape and other violence between 2001 and 2015 at government-run One Stop Crisis Centers located at 10 government hospitals. Of these, 5,003 cases were filed, resulting in 820 concluded court cases and punishment for only 101 perpetrators <sup>(369)</sup>.

### 14.2.3 Harassment in the workplace and in the public areas

A 2009 High Court guideline legally prohibits sexual harassment in public and in private, including in educational institutions and workplaces. US DoS has quoted the Bangladesh National Woman Lawyers' Association as stating in June 2016 that harassment was still a problem, and enforcement of laws was poor. This sometimes prevented women or girls from attending school or work <sup>(370)</sup>. Between January and December 2016, 244 cases of sexual harassment against women were documented with six victims committing suicide <sup>(371)</sup>. Another growing problem in Bangladesh is cyber sexual harassment <sup>(372)</sup>.

### 14.2.4 Acid attacks

An acid attack occurs when sulphuric acid or another corrosive liquid is thrown at a person's face or body so as to permanently disfigure them, or when a person is forced to ingest (drink) a strong acid <sup>(373)</sup>. Although the reported number of acid attack victims in Bangladesh has steadily declined from

<sup>(363)</sup> Odhikar, Bangladesh – Annual Human Rights Report 2016, 1 January 2017 ([url](#)), p. 30.

<sup>(364)</sup> Odhikar, Six-Month Human Rights Monitoring Report, 1 July 2017 ([url](#)), pp. 36-37.

<sup>(365)</sup> US DoS, Country Reports on Human Rights Practices 2016 – Bangladesh, 3 March 2017 ([url](#)).

<sup>(366)</sup> Freedom House, Freedom in the World 2017 – Bangladesh, 2 June 2017 ([url](#)).

<sup>(367)</sup> ASK, Violence Against Women – Rape : January-September 2017, 22 October 2017 ([url](#)).

<sup>(368)</sup> Odhikar, Six-Month Human Rights Monitoring Report, 1 July 2017 ([url](#)), p. 37.

<sup>(369)</sup> US DoS, Country Reports on Human Rights Practices 2016 – Bangladesh, 3 March 2017 ([url](#)).

<sup>(370)</sup> US DoS, Country Reports on Human Rights Practices 2016 – Bangladesh, 3 March 2017 ([url](#)).

<sup>(371)</sup> ASK, Violence Against Women – Sexual Harassment : January-December 2016, 8 January 2017 ([url](#)).

<sup>(372)</sup> US DoS, Country Reports on Human Rights Practices 2016 – Bangladesh, 3 March 2017 ([url](#)).

<sup>(373)</sup> Bakshi, G., From Acid Attack to Fashion Week: How One Victim Is Fighting Back, 20 July 2016 ([url](#)).

496 in 2002 to 50 in 2016, it remains a serious problem. Of the 50 survivors in 2016, 33 were women, 10 were men and 7 were children <sup>(374)</sup>.

The most common motives for acid attacks in 2016 were marital, dowry or other family-related disputes. These were followed by disputes over land, property or money, in which some of the perpetrators sought revenge by harming the wives or children of their adversaries <sup>(375)</sup>.

The Acid Crime Control Act of 2002 provides for sentences ranging from three years to life imprisonment or the death penalty. A second Act passed in 2002 controls the import, production, transportation, hoarding, sale and use of acid, and provides treatment to victims of acid violence, rehabilitate them, and provide legal assistance <sup>(376)</sup>. From 2002 to October 2015, a total of 2,019 cases were filed under the Acid Crime Control Act; this led to 325 persons being convicted (found guilty) and, of them, 14 received the death penalty and 117 were sentenced to life imprisonment <sup>(377)</sup>. However, according to the US DoS 2016 Human Rights report, lack of awareness of the law controlling the availability of acid, and poor enforcement, limited its effectiveness. Although the law provides for special tribunals to facilitate speedier trials for acid violence, the Acid Survivors Foundation found that the special tribunals were not effective and conviction rates remained low <sup>(378)</sup>.

#### 14.2.5 *Fatwas* and sentences of village courts and *shalish*

In Bangladesh the use of *fatwas* (religious edicts) is legally allowed merely for religious matters and can not supersede secular law. The *Fatwas* can only be issued by religious scholars with expertise in Islamic law. The use of *fatwas* in order to justify punishment is not permitted. Despite these restrictions, village religious leaders sometimes make such declarations, which in turn results in extrajudicial punishments, often against women, for perceived moral transgressions. In August 2016 the Ministry of Local Government, Rural Development, and Cooperatives ordered district commissioners to mandate local councils to prevent extrajudicial punishments in their areas. Nevertheless, incidents against women, inspired by *fatwas* issued by religious leaders, still occur. The incidents include whipping, beating, and other forms of physical violence <sup>(379)</sup>. ASK reported 12 incidents of abuse following *fatwas* and *shalish* rulings during 2016 <sup>(380)</sup>.

According to Freedom House, 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 <sup>(381)</sup>.

#### 14.2.6 Forced marriage

In Bangladesh there is currently no specific law banning forced marriage. Legally, the consent of both parties to a marriage is required <sup>(382)</sup>, which means when the parties to a marriage are above the legal age of consent, consent to marry becomes one of the primary factors behind the validity of a marriage. Therefore, a forced marriage can be declared void if one of the parties can prove it did not consent to the union. Where the parties are minors, their legal guardians may give consent to the marriage. Marrying off minors is a criminal offence in Bangladesh and prosecutable under the Child

<sup>(374)</sup> ASF, Statistics, n.d. ([url](#)).

<sup>(375)</sup> ASF, Statistics /2, n.d. ([url](#)).

<sup>(376)</sup> ASF, Legal, n.d. ([url](#)).

<sup>(377)</sup> ASF, Statistics /2, n.d. ([url](#)).

<sup>(378)</sup> US DoS, Country Reports on Human Rights Practices 2016 – Bangladesh, 3 March 2017 ([url](#)).

<sup>(379)</sup> US DoS, Country Reports on Human Rights Practices 2016 – Bangladesh, 3 March 2017 ([url](#)).

<sup>(380)</sup> ASK, Violence Against Women – Fatwa and Salish : January-December 2016, 8 January 2017 ([url](#)).

<sup>(381)</sup> Freedom House, Freedom in the World 2017 – Bangladesh, 2 June 2017 ([url](#)).

<sup>(382)</sup> Bhuia, M.R., et al., 'Forced Marriage in Bangladesh: A Quantitative Study to Identify Key Factors', August 2015 ([url](#)).

Marriage Restraint Act, even though this will not result in invalidating the marriage itself <sup>(383)</sup>. See section [14.3 Child marriage](#).

Marriages in Bangladesh are predominantly arranged. In general young women are more likely to become victims of forced marriage than young men. Forced marriage is a practice that derives from both socio-economical and cultural factors, such as societal pressure, poverty, illiteracy, and family status. Families living in poverty with unstable or non-existent income sources can be prone to marry their daughter as soon as possible in order to remove financial strain and provide a potential financial relief if the daughter would marry someone of higher economic standing. Forced marriage can also be used to settle a debt or to improve family status through the formation of social alliances. According to information provided by the US Embassy in Bangladesh, several human rights organisations in Bangladesh provide assistance to victims of forced marriages <sup>(384)</sup>. Corroborating information on which organisations these are have not been found. Local police, lawyers, and foreign missions in Bangladesh also play a role in the prevention of forced marriages and providing assistance to victims of forced marriages <sup>(385)</sup>.

### 14.3 Child marriage

According to information from HRW and confirmed by Freedom House, Bangladesh has one of the highest rates of child marriage in the world, and the highest rate in Asia. 52 % of girls in Bangladesh marry before the age of 18, and 18 % are married before they turn 15 <sup>(386)</sup>. Another source shows different figures on the same topic: 66 % of the Bangladeshi girls are married before they reach 18 years, and 32 % are married before they reach 15 years <sup>(387)</sup>. Worldwide Bangladesh has the highest rate of marriage for girls under 15 years old, and occupies second place (only behind Niger) by number of married girls under the age of 18 years <sup>(388)</sup>.

Child marriages occur due to various different reasons, the most common of which are financial security, protection of girls from sexual harassment and family honour, dowry (the younger the girl, the less dowry must be paid), and poverty <sup>(389)</sup>. A recent UN Children's Fund (UNICEF) report shows a clear connection between poverty and the possibility of early marriage (the poorer the girl is, the more likely she is to marry in childhood). The report also mentions that child marriages most commonly occur in rural areas <sup>(390)</sup>. The practice can potentially bring about several negative consequences: it pushes girls out of school, leaves them in poverty, increases the risk of domestic violence and carries a health risk for girls and their babies <sup>(391)</sup>.

On paper, child marriage has been illegal since the adoption of the Child Marriage Restraint Act in 1929, but critics claim the law has been poorly enforced. The punishment of up to one month in prison

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<sup>(383)</sup> US Embassy in Bangladesh, Forced Marriage, n.d. ([url](#)).

<sup>(384)</sup> US Embassy in Bangladesh, Forced Marriage, n.d. ([url](#)).

<sup>(385)</sup> US Embassy in Bangladesh, Forced Marriage, n.d. ([url](#)); Tahiri Justice Center, Forced Marriage Initiative, Forced Marriage Overseas: Bangladesh, n.d. ([url](#)).

<sup>(386)</sup> HRW, Huge Step Backwards on Child Marriage in Bangladesh, 1 December 2016 ([url](#)); Freedom House, Freedom in the World 2017 – Bangladesh, 2 June 2017 ([url](#)). See also UNICEF, The state of the world's children 2016, June 2016 ([url](#)), p. 150.

<sup>(387)</sup> Begum, S., Ending Early and Forcing Marriage: Bangladesh and UK Perspective, January 2016 ([url](#)), p. 3.

<sup>(388)</sup> UNICEF, Ending Child Marriage - Progress and prospects, June 2017 ([url](#)).

<sup>(389)</sup> Begum, S., Ending Early and Forcing Marriage: Bangladesh and UK Perspective, January 2016 ([url](#)), p. 3.

<sup>(390)</sup> UNICEF, Ending Child Marriage - Progress and prospects, June 2017 ([url](#)).

<sup>(391)</sup> HRW, Huge Step Backwards on Child Marriage in Bangladesh, 1 December 2016 ([url](#)).

and/or a fine of up to 1,000 Taka [approximately 10 EUR <sup>(392)</sup>] was reportedly not enough of a deterrent <sup>(393)</sup>.

On 27 February 2017 the Bangladesh's Parliament approved the Child Marriage Restraint Act 2017. Under the new law, parents or guardians can give consent and, in line with directives of a court, following due procedure, allow children to be married if it is in their 'best interests'. Since there is no minimum age for when these special considerations can apply, nor any definition of what 'best interests' could mean, human rights groups are concerned the law could lead to rape victims or impregnated minors being married to their abusers <sup>(394)</sup>.

Under the new Act, the punishment for bringing about or assisting in a child marriage has been increased. If the accused is an adult, including a guardian, relative or marriage registrar, he or she can be punished with imprisonment of up to 2 years and/ or a fine up to BDT 100,000. The marriage can also be annulled <sup>(395)</sup>.

## 15. Sexual orientation and gender identity

### 15.1 Legal situation of lesbian, gay and bisexual (LGB) persons

#### 15.1.1 General

The Constitution states, under Article 27, that 'All citizens are equal before law and are entitled to equal protection of law' and, under Article 28(1) that 'The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth <sup>(396)</sup>. However, there are no laws in Bangladesh which prohibit discrimination on the basis of sexual orientation <sup>(397)</sup>.

There is no legal recognition of same-sex marriages or civil partnerships. Same-sex couples cannot adopt children <sup>(398)</sup>.

#### 15.1.2 Section 377 of the Bangladesh Penal Code

The Penal Code, which was originally enacted by the colonial government in India in the 1860s and subsequently incorporated into Bangladesh law, provides:

**'Section 377: Unnatural offences:** Whoever voluntarily has carnal intercourse against the order of nature with any man, woman, or animal, shall be punished with imprisonment for life, or imprisonment of either description for a term which may extend to 10 years, and shall also be liable to fine.

Explanation: penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section' <sup>(399)</sup>.

<sup>(392)</sup> XE.com, Exchange rate on 18 December 2017.

<sup>(393)</sup> Girls not brides, Bangladesh and the child marriage restraint act 2016: a recap, 11 January 2017 ([url](#)).

<sup>(394)</sup> CNN, Human rights groups condemn new Bangladesh child marriage law, 3 March 2017 ([url](#)); Future Law Initiative (The), Child Marriage Restraint Act 2017: A Brief Review, 27 February 2017 ([url](#)).

<sup>(395)</sup> Future Law Initiative (The), Child Marriage Restraint Act 2017: A Brief Review, 27 February 2017 ([url](#)).

<sup>(396)</sup> Bangladesh, The Constitution of the People's Republic of Bangladesh, 1972 (amended 2011) ([url](#)).

<sup>(397)</sup> ILGA, State-sponsored Homophobia, May 2017 ([url](#)).

<sup>(398)</sup> ILGA, State-sponsored Homophobia, May 2017 ([url](#)).

<sup>(399)</sup> Bangladesh, The Penal Code (Act No. XLV of 1860), Chapter XVI Of Offences Affecting the Human Body, Section 377 Unnatural offences, 1860 ([url](#)).

According to Amnesty International, Section 377 is legally interpreted in Bangladesh to apply to sexual conduct between **men**, whether consensual or not <sup>(400)</sup>.

The US DoS 2016 Report on Human Rights Practices noted that Section 377 ‘was not enforced’ <sup>(401)</sup>. The Kaleidoscope Trust, an international LGBT advocacy organisation, stated in a 2015 report: ‘There have been two recorded arrests under Section 377. Both arrests were later charged under other [provisions of the Penal Code]. To date no single case of punishment has happened under Section 377’ <sup>(402)</sup>.

However, the **threat** of being arrested under Section 377 has reportedly been used by some law enforcement officers to intimidate gay couples <sup>(403)</sup>.

### 15.1.3 Other legal provisions sometimes used by the police to harass or intimidate gay men

The report of a fact finding mission undertaken in April 2015 by the French Office for Protection of Refugees and Stateless Persons (OFPRA) noted that **Article 86 of the Dhaka Metropolitan Police Ordinance**, entitled ‘Penalty for being found under suspicious circumstances between sunset and sunrise’, can be used by the police to harass LGBT persons. **Article 54 of the Code of Penal Procedure** of 1898, which allows the police to arrest a person (against whom a complaint has been made) without a warrant, has also reportedly been used against LGBT individuals, according to the OFPRA Report of 2015 <sup>(404)</sup>. However, the High Court has issued guidelines to prevent Article 54 from being abused by law enforcement officers <sup>(405)</sup>.

On 19 May 2017, officers of the Rapid Action Battalion (RAB) arrested 28 men at an alleged gay party in Kerinaganj, near Dhaka, on suspicion of violating the **Narcotics Control Act 1990**. Amnesty International believed the arrests were due to the fact that the gathering was known to be frequented by gay men. 23 of the men were granted bail in June, the remaining five men were released on bail on 21 July 2017 <sup>(406)</sup>. At the time of writing, no information could be found on further developments in this case.

### 15.1.4 Legal situation of lesbians and bisexual women

According to a 2017 report from the International Lesbian, Gay, Bisexual, Transgender and Intersex Association (ILGA), female-female sexual activity is not a criminal offence under existing Bangladeshi penal law <sup>(407)</sup>.

### 15.1.5 *Sharia*

Sexual activity of any nature outside of a heterosexual marriage is prohibited under *Sharia* (Islamic law) <sup>(408)</sup>. As noted in section [1.2.3 Religion](#) above, about 90 % of the country’s population is Muslim.

<sup>(400)</sup> AI, Urgent Action: 23 men granted bail but fear for safety remains, 16 June 2017 ([url](#)).

<sup>(401)</sup> US DoS, 2016 Country Reports on Human Rights Practices - Bangladesh, 3 March 2017 ([url](#)), section 6.

<sup>(402)</sup> Kaleidoscope Trust, Speaking Out 2015: The Rights of LGBTI People across the Commonwealth, 2015 ([url](#)).

<sup>(403)</sup> AI, Bangladesh: 28 men suspected of being gay freed, 11 August 2017 ([url](#)).

<sup>(404)</sup> France: OFPRA, Report on the mission to the People’s Republic of Bangladesh, June 2015 ([url](#)).

<sup>(405)</sup> GHRD, The Invisible Minority: The Situation of LGBT Community in Bangladesh, 17 June 2015 ([url](#)), p. 13.

<sup>(406)</sup> AI, Bangladesh: 28 men suspected of being gay freed, 11 August 2017 ([url](#)).

<sup>(407)</sup> ILGA, State-sponsored Homophobia, May 2017 ([url](#)), p.95.

<sup>(408)</sup> Muslim Women’s League, An Islamic Perspective on Sexuality, September 1999 ([url](#)).

## 15.2 Treatment of, and attitudes towards, LGB persons

### 15.2.1 General

A survey conducted among LGB persons in 2014 by the NGO Boys of Bangladesh and the LGBT community magazine Roopban found that 59 % of respondents had never faced discrimination due to their sexual orientation. Of 25.8 % of respondents who had experienced discrimination, the majority had no knowledge of, or no access to, legal support. More than half of all those interviewed said they lived in constant fear of their sexual orientation being discovered. The survey was conducted among 751 LGB persons from 8 cities, who had an average age of 25 <sup>(409)</sup>.

The US DoS 2015 Human Rights Report noted that ‘attacks on LGBT persons occurred occasionally, but those offenses were difficult to document because victims desired confidentiality.’ The same report observed that ‘Strong social stigma based on sexual orientation was common and prevented open discussion of the subject’<sup>(410)</sup>. According to the 2016 US DoS report, LGBT persons ‘regularly received threatening messages via telephone, text and social media’ <sup>(411)</sup>.

HRW reported in April 2016 that LGBT people interviewed by them had faced threats of violence, particularly following homophobic public comments by Islamic leaders. Activists working on gender issues said they had to conceal their identities and limit their work for reasons of personal safety <sup>(412)</sup>.

Several sources consulted during a UK Home Office fact-finding mission to Bangladesh in May 2017 maintained that, in general, LGB people are unable to be open about their sexuality <sup>(413)</sup>.

### Family treatment

Disclosing one’s sexual orientation could have a wide range of consequences in different families, ranging from acceptance to rejection, even violence. Some parents consider homosexuality to be a mental illness and suggest psychiatric treatment to family members who ‘come out’ <sup>(414)</sup>.

### Marriage

The NGO Bandhu Social Welfare Society (BSWS) has confirmed that marriage is considered socially imperative in Bangladesh. Lesbians and gay men often find themselves to be under a great deal of emotional pressure from their families and social circles to enter into heterosexual marriages <sup>(415)</sup>.

### Accommodation

An official of the National Human Rights Council of Bangladesh advised that two people of the same sex could readily rent an apartment or other accommodation together, provided they were not open about their sexual orientation <sup>(416)</sup>.

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<sup>(409)</sup> Dhaka Tribune (The), LGB community feels conflict in faith, lack of confidence, 19 December 2014 ([url](#)).

<sup>(410)</sup> US DoS, 2015 Country Report on Human Rights Practices: Bangladesh, 13 April 2016 ([url](#)), section 6.

<sup>(411)</sup> US DoS, 2016 Country Reports on Human Rights Practices - Bangladesh, 3 March 2017 ([url](#)), section 6.

<sup>(412)</sup> HRW, Bangladesh: Investigate LGBT murders, 26 April 2016 ([url](#)).

<sup>(413)</sup> UK: Home Office, Report of a Home Office Fact-Finding Mission to Bangladesh, conducted 14-26 May 2017 (Summary report), September 2017 ([url](#)).

<sup>(414)</sup> UK: Home Office, Report of a Home Office Fact-Finding Mission to Bangladesh, conducted 14-26 May 2017 (Summary report), September 2017 ([url](#)).

<sup>(415)</sup> BSWS, Annual Report 2010 ([url](#)), pp. 35-36.

<sup>(416)</sup> UK: Home Office, Report of a Home Office Fact-Finding Mission to Bangladesh, conducted 14-26 May 2017, September 2017 ([url](#)), pp. 87, 116.

### 15.2.2 Gay and bisexual men

Many gay men have reportedly received threats of violence, but have been unwilling or unable to approach the police for support <sup>(417)</sup>.

As traditional views about sexuality are widespread in Bangladesh, gay men face a high risk of societal discrimination <sup>(418)</sup>, although this may be less so in upper and middle-class social circles <sup>(419)</sup>.

### 15.2.3 Lesbians and bisexual women

A 2012 research report found that most lesbians interviewed did not disclose their same-sex relationships to anyone outside of their own community due to fear of being outcast, rejected, and stigmatised. There was immense societal and family pressure on them to get married. Some experienced violence from family members when they resisted marriage or were suspected to be in same-sex relationships <sup>(420)</sup>.

### 15.2.4 Violence by Islamist extremist groups

As noted in section [11.4 Violence and intimidation by Islamists](#), Xulhaz Mannan – a gay rights activist and editor of the LGBT community magazine *Roopban* – and his partner Mahbub Rabbi Tonoy were murdered on 25 April 2016 in a machete attack. Ansar al-Islam, a Bangladeshi group affiliated to AQIS, claimed responsibility; a spokesman for the group stated that the two men were killed for being ‘pioneers of practicing and promoting homosexuality in Bangladesh’ <sup>(421)</sup>.

The Mannan murders sparked widespread fear and unrest in the LGBT community. It was reported on 5 August 2016 that the police had identified 5 men whom they suspected of being involved in the killings and were making efforts to find and arrest them <sup>(422)</sup>.

## 15.3 Situation of transgender people (including *Hijras*)

*Hijras* are the principal transgender community in Bangladesh. The following background information was derived from various sources by the UK Home Office:

‘In the culture of the Indian sub-continent, hijras are regarded as a ‘third gender’; most hijras see themselves as ‘neither man nor woman’. They cannot accurately be described as ‘eunuchs’ or ‘hermaphrodites’ or ‘transsexual women’, which are Western terms. Most hijras were born male or intersex (with ambiguous genitalia); some will have undergone a ritual emasculation operation, which includes castration. Some other individuals who identify as *hijras* were born female. Although most hijras wear women’s clothing and have adopted female mannerisms, they generally do not attempt to pass as women. Becoming a hijra

<sup>(417)</sup> Australia: DFAT, Country Information Report Bangladesh, 5 July 2016 ([url](#)), paragraph 3.81.

<sup>(418)</sup> Australia: DFAT, Country Information Report Bangladesh, 5 July 2016 ([url](#)), paragraph 3.82.

<sup>(419)</sup> Australia: DFAT, Country Information Report Bangladesh, 5 July 2016 ([url](#)), paragraph 3.82; UK: Home Office, Report of a Home Office Fact-Finding Mission to Bangladesh, conducted 14-26 May 2017 (Summary report), September 2017 ([url](#)).

<sup>(420)</sup> Rashid. S. et al., Count Me In! research report: violence against disabled, lesbian, and sex-working women in Bangladesh, India, and Nepal, 2012 ([url](#)).

<sup>(421)</sup> BDnews24.com, Five identified’ in Xulhaz, Tonoy killing, last updated 6 August 2016 ([url](#)).

<sup>(422)</sup> BDnews24.com, Five identified’ in Xulhaz, Tonoy killing, last updated 6 August 2016 ([url](#)).

involves a process of initiation into a hijra ‘family’, or small group, under a guru teacher (...) Hijras have been part of the South Asian landscape for thousands of years’<sup>(423)</sup>.

For further in-depth information on the identity and way of life of *hijras*, please refer to a recent study by Adnan Hossain published in the journal *Culture, Health and Sexuality*, [here](#)<sup>(424)</sup>.

### 15.3.1 Legal status of *hijras*

In November 2013 the Bangladesh government granted *hijras* legal status as a ‘third gender’; this was formalised in a Government Gazette proclamation of 16 January 2014<sup>(425)</sup>. *Hijras* became entitled to register as voters in national elections and to identify as members of a ‘third gender’ in official documents such as passports and national identity cards, instead of as ‘male’ or ‘female’<sup>(426)</sup>.

### 15.3.2 Treatment of *hijras*

A Global Human Rights Defence (GHRD) report of 2015 stated:

‘Due to cultural and religious beliefs, Hijras are recognised as semi-sacred individuals who can bestow fertility, prosperity and health upon a newborn and its family. Unfortunately, this status has an insidious aspect: it dehumanises Hijras by removing all other aspects of their identity, leading to Hijras being subjected to violence, discrimination and inequality. Hijras are treated as outcasts and are often targets of human rights violations. Many do not have access to a proper source of income and cannot hold mainstream jobs due to social stigma and the lack of access to education. As a consequence of the marginalisation faced, Hijras are largely a closed community’<sup>(427)</sup>.

The Immigration and Refuge Board of Canada (IRB) observed in 2010 that *hijras* and other transsexual and transgender people were ‘particularly vulnerable to mistreatment and harassment.’ Mistreatment commonly included physical violence and rape/forced sex, or forced eviction from public spaces. The main perpetrators of violence were local thugs (*mastans*), as well as the police<sup>(428)</sup>.

In December 2014, the Ministry of Social Welfare invited *hijras* to apply for government employment, for example as traffic officials, but after their interviews they were subjected to a medical examination and many said that they were also harassed and asked inappropriate questions<sup>(429)</sup>.

## 15.4 LGBT support networks

There are a small number of civil society organisations serving the LGBT community, such as Boys of Bangladesh (primarily for gay men), Shambhab (a lesbian network) and Shustha Jibon (for transgender people). The number of organisations serving the LGBT community is limited by strict rules governing

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<sup>(423)</sup> UK: Home Office, Country Policy and Information Note: Bangladesh: Sexual orientation and gender identity, December 2016 ([url](#)).

<sup>(424)</sup> Hossain, A., The paradox of recognition: hijra, third gender and sexual rights in Bangladesh, 12 May 2017 ([url](#)).

<sup>(425)</sup> Independent (The), Hijras’ third gender identity virtually remains unrecognised, 24 July 2016 ([url](#)).

<sup>(426)</sup> New York Times, Transgender Rights, Bangladesh Style, 2 July 2015 ([url](#)).

<sup>(427)</sup> GHRD, The Invisible Minority: The Situation of LGBT Community in Bangladesh, 17 June 2015 ([url](#)), pp. 7-8.

<sup>(428)</sup> Canada: IRB, Bangladesh: Treatment of homosexuals including legislation, availability of state protection and support services, 19 July 2010 ([url](#)).

<sup>(429)</sup> HRW, “I Want to Live With My Head Held High”: Abuses in Bangladesh’s Legal Recognition of Hijras, 23 December 2016 ([url](#)).

the registration of NGOs and by the vulnerability of LGBT activists to attacks from extremist groups<sup>(430)</sup>.

A 'gay-pride' event, the Rainbow Rally, was held in Dhaka in 2014 and 2015. The rally was cancelled after permit issues in 2016. Threats against the event had been issued in advance by Islamist groups and clerics<sup>(431)</sup>.

The Bandhu Social Welfare Society (BSWS) provides information support and health services for sexual minorities in 21 districts of the country and is registered with the Social Welfare Ministry<sup>(432)</sup>.

## 16. Freedom of movement

As concerning the legal framework of freedom of movement, the Constitution of Bangladesh stipulates in Article 36:

‘Subject to any reasonable restrictions imposed by law in the public interest, every citizen shall have the right to move freely throughout Bangladesh, to reside and settle in any place therein and to leave and re-enter Bangladesh’<sup>(433)</sup>.

### 16.1 Internal travel

The last two reports concerning the human right practices in Bangladesh issued by the US DoS show no change in state policy regarding freedom of movement - the law continue to provide freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights, with the exception of CHT and Cox's Bazar<sup>(434)</sup>. The government enforced some restrictions on foreigners' access to the CHT.<sup>(435)</sup> At present time the people's possibility to move within the country, as well as to travel abroad, remains relatively unrestricted<sup>(436)</sup>.

According to the International Anglican Women's Network, freedom of movement for women is usually restricted to the vicinity of their homes and local neighbourhoods. The Islamic practice of *purdah* can further limit participation of women in activities such as education, employment and social events. The degree of these restrictions will vary depending on the traditions of individual families. Many women generally need the permission of their husbands to engage in any activities outside the home<sup>(437)</sup>.

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<sup>(430)</sup> ILGA, State Sponsored Homophobia 2017: A world survey of sexual orientation laws: criminalisation, protection and recognition, May 2017 ([url](#)), p.122.

<sup>(431)</sup> AFP, Bangladesh "rainbow rally" cancelled over permit issues, 13 April 2016 ([url](#)); AFP, Four revellers held after Bangladesh bans 'rainbow rally', 14 April 2016 ([url](#)).

<sup>(432)</sup> BSWS, Profile, n.d. ([url](#)), pp. 3-6.

<sup>(432)</sup> Bangladesh, The Constitution of People's Republic of Bangladesh, Part III Fundamental Rights, Freedom of movement, 1972 (amended 2011) ([url](#)).

<sup>(434)</sup> Chittagong Hill Tracts, or briefly CHT, is an area, located in southeaster Bangladesh and populated mainly by tribal peoples. For more information, see [13.1 The indigenous peoples \(Adivasi\) of the Chittagong Hill Tracts](#); Cox's Bazar is a city, a fishing port and one of the most famous tourist destinations in Bangladesh. The last, as well as the fact, that several hundreds undocumented Rohingya refugees reside in two of Cox's Bazar's districts, is the reason because of which this area is considered to be sensitive one.

<sup>(435)</sup> US DoS, Country Reports on Human Rights Practices 2016 – Bangladesh, 3 March 2017 ([url](#)); US DoS, Country Reports on Human Rights Practices 2015 - Bangladesh, 13 April 2016 ([url](#)).

<sup>(436)</sup> Freedom House, Freedom in the World 2017 – Bangladesh, 2 June 2017 ([url](#)).

<sup>(437)</sup> International Anglican Women's Network, The Church of Bangladesh, 2012 ([url](#)).

As regard the women's ability to relocate on their own to other areas of Bangladesh, a Professor of Anthropology at BRAC University in Dhaka stated:

'As in other arenas, single women's relocation to other parts of the country is much more difficult. In the absence of state services, people rely on kinship ties and an active system of social support from the local community to get by. A newly divorced or single woman relocating will have none of the advantages of social ties but all of the disadvantages of being without a male protector' <sup>(438)</sup>.

## 16.2 International travel and return

As a general rule, and as the Bangladesh Constitution stipulates, there is a freedom of international travel and return. In 2016, there were nevertheless reports that some senior opposition officials have faced extensive delays in getting their passports renewed and others reported harassment and delays at the airport when departing the country. The international travel ban is still active for suspected war criminals from the 1971 independence war. The country's passports are invalid for travel to Israel according to Bangladesh policy <sup>(439)</sup>.

Regarding the return of Bangladeshi nationals to their country of origin, on 16 February 2017 local media reported that the authorities in Dhaka have agreed with the EU to work on taking back 'irregular migrants', residing on the EU's territory. As the joint statement states, both sides agreed '(...) to finalise work on the Standard Operating Procedures regarding the return of irregular migrants with no right to stay in the EU as soon as possible' <sup>(440)</sup>.

At the same meeting, held in Brussels, EU offered cooperation, which has to include 'a special program for reintegration of returnees'. In 2016, the authorities of Bangladesh were informed of the illegal presence of 80,000 Bangladeshi nationals on the territory of the EU <sup>(441)</sup>.

## 17. Trafficking

Human trafficking is prohibited in Bangladesh and is punishable with minimum five years imprisonment, and a fine of at least 50,000 Taka [approximately 510 EUR <sup>(442)</sup>]. According to Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, trafficking in persons is defined as coercing another for the purpose of exploitation to achieve control of one person over another. The legal provision recognises sexual exploitation, forced labour, slavery or other similar practices, servitude or the removal of organs as exploitation in this regard <sup>(443)</sup>.

Bangladesh is mainly an origin country for human trafficking, but has in recent years also become a transit and destination country <sup>(444)</sup>. Discrimination and disparities among marginalised groups and insecurity of livelihoods is, according to UNICEF, integrally linked to the issue of trafficking of humans

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<sup>(438)</sup> Canada: IRB, Bangladesh: Situation and treatment of Hindu Manipuri ethnic minority, including women; ability of women, particularly Manipuri women, to relocate and access housing and employment within Bangladesh (2006-October 2013), 9 October 2013 ([url](#)).

<sup>(439)</sup> US DoS, Country Reports on Human Rights Practices 2016 – Bangladesh, 3 March 2017 ([url](#)).

<sup>(440)</sup> BdNews24, Bangladesh agrees with EU to work on taking back 'irregular migrants', 16 February 2017 ([url](#)).

<sup>(441)</sup> BdNews24, Bangladesh agrees with EU to work on taking back 'irregular migrants', 16 February 2017 ([url](#)).

<sup>(442)</sup> XE.com, Exchange rate on 18 December 2017.

<sup>(443)</sup> Bhuiyan, A. U., Human trafficking in Bangladesh: dead men tell no tales, 23 June 2015 ([url](#)).

<sup>(444)</sup> UNICEF, Analysis of the Situation of Children and Women in Bangladesh 2015, December 2015 ([url](#)), p. 165; Manitesse, Liberi dal trafficking in Bangladesh, n.d. ([url](#)).

(<sup>445</sup>). Poverty remains the main driving factor in the decision to migrate and to accept working proposals that may place a person at risk. Bengali victims of trafficking can end up anywhere in the world. Modern forms of slavery include forced labor in agriculture, fisheries and construction, domestic servitude, and trafficking for sexual exploitation (<sup>446</sup>).

The government reported 355 victims in 2016, a significant decrease from the 1,815 and 2,899 victims identified in 2015 and 2014, respectively. According to experts consulted in the US DoS 2017 Trafficking in Persons Report, ‘the decrease may be due in part to the application of a more accurate definition of trafficking’ (<sup>447</sup>).

## 17.1 Bonded or forced labour

Bangladeshi law prohibits all forms of forced or compulsory labor, but control mechanisms to enforce the law are, according to US DoS Annual Human Rights Report, inefficient. Access to protective services for victims is provided for in the law (<sup>448</sup>). Labour exploitation in the forms of forced labour and human trafficking is believed to be extensive in Bangladesh, both inside and outside its borders (<sup>449</sup>). Forced labour can occur in many sectors, including household workers (<sup>450</sup>) and the hereditary work force in the tea industry (<sup>451</sup>). Victims have also been found in sectors such as the garment and fishing industries, in brick kilns, and in the construction sector. Children can also be sold into debt bondage, sometimes by their parents, or through fraud or coercion (<sup>452</sup>).

Fraudulent employment offers abroad sometimes result in forced labour or debt bondage (<sup>453</sup>). As both legal and illegal recruitment agencies impose high recruitment fees, many migrant workers end up in debt. Over the reporting year of 2016, some instances of bonded labour and domestic service were reported, primarily in rural areas, that involved restriction of movement, withheld wages, threats, and physical or sexual abuse (<sup>454</sup>).

## 17.2 Women and children

In a 2015 report, UNICEF lists a combination of factors that makes women and children vulnerable to trafficking, including gender discrimination, illiteracy, poverty, unemployment, violence against women, natural disasters, lack of awareness, and, additionally, a need to strengthen implementation of existing laws. UNICEF also notes that law enforcement frequently lack control over border enclaves that belongs to a country other than that which surrounds them. According to the Bangladesh National Women Lawyers Association, cited by UNICEF, these areas have been used as sites of recruitment and collection by traffickers. There are believed to be about 111 Indian enclaves in Bangladesh, and 51 Bangladeshi enclaves in India, according to figures from 2015 (<sup>455</sup>). US DoS states that women and children who migrate for domestic work are especially vulnerable to abuse, and risk

(<sup>445</sup>) UNICEF, Analysis of the Situation of Children and Women in Bangladesh 2015, December 2015 ([url](#)), p. 165.

(<sup>446</sup>) Manitese, Liberi dal trafficking in Bangladesh, n.d. ([url](#)).

(<sup>447</sup>) US DoS, 2017 Trafficking in Persons Report Country Narrative: Bangladesh, June 2017 ([url](#)).

(<sup>448</sup>) US DoS, Country Report on Human Rights Practices 2016-Bangladesh, 3 March 2017

([url](#)), chap. 7.b.

(<sup>449</sup>) Labour Exploitation Accountability Hub, Bangladesh, n.d. ([url](#)).

(<sup>450</sup>) Pelham, L., Enslaved Abroad, Oppressed at Home. Modern Slavery in Bangladesh, 29 October 2014 ([url](#)).

(<sup>451</sup>) Daily Star (The), Work that doesn't exist on paper, 1 May 2017 ([url](#)).

(<sup>452</sup>) Labour Exploitation Accountability Hub, Bangladesh, n.d. ([url](#)).

(<sup>453</sup>) Labour Exploitation Accountability Hub, Bangladesh, n.d. ([url](#)).

(<sup>454</sup>) US DoS, Country Report on Human Rights Practices 2016-Bangladesh, 3 March 2017

([url](#)), chap. 7.b.

(<sup>455</sup>) UNICEF, Analysis of the Situation of Children and Women in Bangladesh 2015, December 2015 ([url](#)), p. 165.

being sold onwards to countries such as Syria, India and Pakistan for forced labour and sex trafficking <sup>(456)</sup>.

### 17.3 Assistance to victims of trafficking

The UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families states that the number of convictions and prosecutions for labour trafficking has increased, concluding that there is a lack of effective measures to protect, compensate and rehabilitate victims <sup>(457)</sup>. According to US DoS Annual Trafficking Report, there were no governmental services available solely for trafficking victims, but support services for vulnerable people – shelters, drop-in centres, and safe homes – were available to children and adult female victims. The number of victims accessing the shelters in 2016 were unknown. NGOs have criticised the service at the centres as being below minimum standards of care and that resources for rehabilitation were insufficient. Some services are available to male victims through NGOs, although no shelters. There are no formal referral mechanisms for authorities and the police referred victims to support services on an ad hoc basis. According to the Prevention and Suppression of Human Trafficking Act, police security and video testimony are the available means of victim protection during judicial proceedings, but it is unclear how often these mechanisms were employed by officials. NGOs have reported that insufficient protection results in traffickers threatening victims into not pursuing cases against them <sup>(458)</sup>.

## 18. Land disputes

Land registration records in Bangladesh have a history of competing claims, and reports of land thefts, as well as forced seizures, are common <sup>(459)</sup>. According to government representatives, social changes, primarily in 1947 and 1971, have been the major source of land conflicts, as during these periods it was not possible to make land records and registrations of land <sup>(460)</sup>. Property documents are unreliable as they can easily be forged <sup>(461)</sup>. Land grabbing is an increasing problem due to a non-transparent administration, according to a report by LANDac, the Netherlands Land Academy. In a statement made by the Land Minister in 2010, over 1.3 million acre of public land has been grabbed <sup>(462)</sup>. The land sector in Bangladesh is associated with high levels of corruption and other anomalies and land disputes account for almost 60 % of legal disputes in Bangladesh <sup>(463)</sup>. Land disputes are by several sources consulted by the UK Home Office described as a major issue that is common everywhere, although more so in rural areas. The problems are worst during plantation and harvest times <sup>(464)</sup>. According to estimations from 2015, more than 3.2 million land-related claims are pending

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<sup>(456)</sup> US DoS, 2017 Trafficking in Persons Report Country Narrative: Bangladesh, June 2017 ([url](#)).

<sup>(457)</sup> UN, Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, Concluding observations on the initial report of Bangladesh\*, 22 March 2017 ([url](#)), p. 10.

<sup>(458)</sup> US DoS, 2017 Trafficking in Persons Report Country Narrative: Bangladesh, June 2017 ([url](#)).

<sup>(459)</sup> Export.gov, Bangladesh - Protection of Property Rights, 12 July 2016 ([url](#)).

<sup>(460)</sup> Dhaka Tribune (The), Study: Land conflicts remain a serious issue in Bangladesh, 12 August 2014 ([url](#)).

<sup>(461)</sup> OGR Legal, How to check the ownership of a property in Bangladesh, n.d. ([url](#)).

<sup>(462)</sup> LANDac, Food Security and Land Governance Factsheet - Bangladesh, 2015/16 ([url](#)), p. 7.

<sup>(463)</sup> Transparency International Bangladesh, Land Management and Services in Bangladesh: Governance Challenges and Way-forward, 23 August 2015 ([url](#)), p. 1.

<sup>(464)</sup> UK: Home Office, Report of a Home Office Fact-Finding Mission Bangladesh, conducted 14-26 May 2017, September 2017 ([url](#)), p. 25.

before the judiciary, and 80 % of criminal offences are related to land disputes <sup>(465)</sup>. Most of the land related cases are linked to the system of land registration <sup>(466)</sup>.

## 18.1 The Land Registry

Land services in Bangladesh suffer from several limitations, including institutional, process and policy limitations. This results in corruption and inefficiencies in the land administration system <sup>(467)</sup>.

The mutation of land, i.e. the transfer of land deeds, requires at least eight steps and an investigation by the Union Land Office. A dispute of land adds another two steps <sup>(468)</sup>:

### 1. *Confirm the record of rights from the Land Office*

The land administration system in Bangladesh separates records of ownership and records of revenue. There are 64 districts in Bangladesh, but only 61 of them have registration facilities.

### 2. *Conduct mutation on the property*

An application is made to the responsible assistant commissioner of land, who will forward the application to the relevant *Tahsil* office, responsible for conducting the relevant survey and provide a report to the assistant commissioner of land.

### 3. *Obtain inspection for a Revisional Survey mutation*

This step is only mandatory when the property is under the control of either the Ministry of Works (National Housing Authority) or Rajuk (Rajdhani Unnayan Karttripakkh; the public agency responsible for coordinating urban development in Dhaka). The permission is usually granted, though unofficial payments that ensure the approval and expediate the process are expected.

### 4. *Obtain the non-encumbrance certificate from the relevant sub-registry office*

The buyer need to control the legal status of the land (mortgaged or leased or ownership) at the relevant Sub-registry office. This certificate can (since January 2012) be obtained at both the Sub-registry and Land Revenue Office.

### 5. *Prepare deed of transfer and pay stamp duty*

The deed can be prepared by a lawyer or the involved parties. The transfer deed must be prepared on a stamped paper that cost 3 % of the property value (the stamp duty).

### 6. *Pay capital gains tax, registration fee, VAT and other taxes at a designated bank*

The receipt that the registration fee has been paid should be presented when applying for registration.

### 7. *Apply for registration at the Municipal Deed Registry Office*

A certified registration document for the buyer's records is obtained within a week after applying for registration. The original sale deed will take about six months to obtain.

<sup>(465)</sup> Saleh, F., Drawbacks of land administration system in Bangladesh and some feasible solutions, September 2017 ([url](#)).

<sup>(466)</sup> LANDac, Food Security and Land Governance Factsheet - Bangladesh, 2015/16 ([url](#)), p. 10.

<sup>(467)</sup> Transparency International Bangladesh, Land Management and Services in Bangladesh: Governance Challenges and Way-forward, 23 August 2015 ([url](#)), p. 20; Islam, S. et al., 'Land Rights, Land Disputes and Land Administration in Bangladesh—A Critical Study', 23 September 2015 ([url](#)); Saleh, F., Drawbacks of land administration system in Bangladesh and some feasible solutions, September 2017 ([url](#)).

<sup>(468)</sup> Transparency International Bangladesh, Land Management and Services in Bangladesh: Governance Challenges and Way-forward, 23 August 2015 ([url](#)), p. 20.

### 8. Register the change in ownership at the Land Revenue Office

The change of ownership must be registered at the Land Revenue Office. The property is then recorded under the name of the new owner. The new owner is responsible for paying the land taxes from the day the property is transferred <sup>(469)</sup>.

## 18.2 Resolution of Land Dispute

According to LANDac, the establishment of ownership right over land is said to be competitive and violence common <sup>(470)</sup>. Land disputes are described by the US Embassy in Bangladesh as ‘extremely difficult’ to solve through legal channels, and regulated and transparent land dispute mechanisms are said to be underdeveloped <sup>(471)</sup>. A source consulted by UK Home Office states that it can take several years to resolve land disputes in the civil courts, something which often prompts criminal activities <sup>(472)</sup>. In their advice to travellers, the US DoS warns that involvement in property disputes can involve lengthy court disputes, and also threats and physical attacks. A court dispute can also lead to cases filed against a person, as well as arrest and jailtime <sup>(473)</sup>. Many of those involved in criminal cases stemming from land disputes are said to be landless or rural, whose financial restrictions prevent them from seeking justice <sup>(474)</sup>.

Police authorities have special officers who can attempt mediation, but the outcome of this work is disputed. Mapping and digitalisation of land registration is, according to one source, positively impacting the resolution of land disputes <sup>(475)</sup>.

Mediation, also referred to as Alternative Dispute Resolution (ADR), is a means of settling a case outside formal court procedures. Various sources consulted by the UK Home Office have estimated that between 70-80 % of cases are settled out of court <sup>(476)</sup>. See also section [4.6 Corruption in the Judiciary](#).

Some disputes are resolved before a *shalish*, an informal dispute resolution body, presided over by influential local leaders <sup>(477)</sup>. It has a long history in Bangladesh and has in modern times been revived by NGOs. Its decisions are however not legally binding. Information differs on the extent they handle land disputes <sup>(478)</sup>.

Village Courts are distinct from *Shalish* and are quasi judicial courts that only deal with certain types of cases, including land disputes, that do not exceed a cost of 75,000 Taka [approximately 365 EUR

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<sup>(469)</sup> Dhaka Tribune (The), Buying a plot or a flat?, 7 August 2013 ([url](#)); Transparency International Bangladesh, Land Management and Services in Bangladesh: Governance Challenges and Way-forward, 23 August 2015 ([url](#)), p. 23.

<sup>(470)</sup> LANDac, Food Security and Land Governance Factsheet - Bangladesh, 2015/16 ([url](#)), p. 10.

<sup>(471)</sup> US Embassy in Bangladesh, Property Disputes, n.d. ([url](#)).

<sup>(472)</sup> UK: Home Office, Report of a Home Office Fact-Finding Mission Bangladesh, conducted 14-26 May 2017, September 2017 ([url](#)), p. 25.

<sup>(473)</sup> US DoS, U.S. Passports & International Travel, Bangladesh, last updated 12 July 2017 ([url](#)).

<sup>(474)</sup> Saleh, F., Drawbacks of land administration system in Bangladesh and some feasible solutions, BDLB Bangladesh Law Digest, September 2017 ([url](#)), accessed 15 September 2017.

<sup>(475)</sup> UK: Home Office, Report of a Home Office Fact-Finding Mission Bangladesh, conducted 14-26 May 2017, September 2017 ([url](#)), p. 25.

<sup>(476)</sup> UK: Home Office, Report of a Home Office Fact-Finding Mission Bangladesh, conducted 14-26 May 2017, September 2017 ([url](#)), accessed 6 October 2017, p. 25.

<sup>(477)</sup> LANDac, Food Security and Land Governance Factsheet - Bangladesh, 2015/16 ([url](#)), p. 10.

<sup>(478)</sup> UK: Home Office, Report of a Home Office Fact-Finding Mission Bangladesh, conducted 14-26 May 2017, September 2017 ([url](#)), p. 26.

(<sup>479</sup>)]. There are currently 1,000 Village Courts and there are plans to increase them to match the number of village councils, i.e. 4,400 (<sup>480</sup>). See also section [4.7 Village courts and shalish](#).

## 19. Personal loans and debts

### 19.1 Microcredit banks/agencies

Micro-credit financing for small scale enterprises was first implemented in the late-1970s and rapidly expanded so that Bangladesh currently has more than 750 registered microfinance institutions with over 17,000 branches (<sup>481</sup>). By 2016, there were 23,707,000 active microfinance borrowers in Bangladesh, with outstanding loans totalling US \$5,564 million. The average amount borrowed, per person, was US \$235 (<sup>482</sup>).

There are four main types of bodies involved in micro-finance activities in Bangladesh: Grameen Bank, Non-Governmental Organizations (NGOs), commercial and specialised banks, and Government sponsored micro finance projects or programs. Most borrowers are not required to provide collateral (property that can be taken away if they do not repay the loan). Interest rates officially charged by the main microcredit lenders have varied between 10 and 14 % per annum (<sup>483</sup>). However, the borrower can also become liable for various hidden costs, such as entrance fees and late fees, and these can have the effect of raising the rate to 50-60 %. According to Grameen Bank, 98 % of microcredit borrowers repay their loans (<sup>484</sup>).

The outcomes of microcredit has been debated, with different studies presenting the result as either positive or statistically insignificant, and in some cases negative as it is seen as a debt trap for the poor (<sup>485</sup>). Traditionally, rural women have been the principal borrowers of microcredit capital (<sup>486</sup>).

The Microcredit Regulatory Authority (MRA) was established under the Microcredit Regulatory Authority Act 2006 as the central monitoring body of microcredit NGOs (<sup>487</sup>).

### 19.2 Traditional money-lenders

Private money-lenders have long had a place in Bangladeshi rural communities. Although, in theory, they are subject to the Usurious Loans Act of 1918 (<sup>488</sup>) and the Money-Lenders Act of 1940 (<sup>489</sup>), the

(<sup>479</sup>) XE.com, Exchange rate on 18 December 2017.

(<sup>480</sup>) UK: Home Office, Report of a Home Office Fact-Finding Mission Bangladesh, conducted 14-26 May 2017, September 2017 ([url](#)), p. 26.

(<sup>481</sup>) Khandker, S.R. et al, Beyond Ending Poverty - The Dynamics of Microfinance in Bangladesh, 2016 ([url](#)), pp. XV, 2.

(<sup>482</sup>) Kim, D., Microcredit in Bangladesh and Haiti: Helping Poor Families to Overcome Poverty (Figure 4), June 2017 ([url](#)), p. 25.

(<sup>483</sup>) Kim, D., Microcredit in Bangladesh and Haiti: Helping Poor Families to Overcome Poverty (Figure 4), June 2017 ([url](#)), p. 27.

(<sup>484</sup>) Karim, L., Demystifying micro-credit, n.d. ([url](#)).

(<sup>485</sup>) Khandker, S.R. et al, Beyond Ending Poverty - The Dynamics of Microfinance in Bangladesh, 2016 ([url](#)), p. XV ; Awaworyi Churchill, S. et al., 'Microcredit and poverty reduction in Bangladesh: average effects beyond publication bias, in: Enterprise Development and Microfinance', 1 September 2016 ([url](#)); Rahman, M.T., The role of micro-credit programmes in alleviating poverty in Bangladesh, 2016 ([url](#)); Hickel, J., The microfinance delusion: who really wins?, 10 June 2015 ([url](#)).

(<sup>486</sup>) Khandker, S.R. et al, Beyond Ending Poverty - The Dynamics of Microfinance in Bangladesh, 2016 ([url](#)), p. 43.

(<sup>487</sup>) MRA, Home, n.d. ([url](#)).

(<sup>488</sup>) Bangladesh, The Usurious Loans Act (Act No. X of 1918), 1918 ([url](#)).

(<sup>489</sup>) Bangladesh, The Money-Lenders Act (Bengal Act No. X of 1940), 1940 ([url](#)).

interest rates charged by private lenders are far higher than for microcredit and other banks. Many traditional moneylenders use violence and threats to enforce repayment as is the case with ‘loan sharks’ in other countries <sup>(490)</sup>.

## 20. Rohingya refugees from Myanmar

### 20.1 Background

In Myanmar, the Rohingya are an ethnic minority living predominantly in north-western Rakhine state. According to the US DoS 2016 Country Report on Human Rights Practices – Burma, ‘[t]he name Rohingya is used in reference to a group that self-identifies as belonging to an ethnic group defined by religious [Muslim], linguistic, and other ethnic features. Rohingya do not dispute their ethnogeographic origins from present-day Bangladesh but hold that they have resided in what is now Rakhine State for decades, if not centuries’ <sup>(491)</sup>.

The Myanmar government refuses to recognise most Rohingya people as citizens of that country, making them one of the largest stateless populations in the world. That status leaves the Rohingya vulnerable to exploitation and abuse <sup>(492)</sup> and their rights to study, work and access health services are also restricted in Myanmar <sup>(493)</sup>.

Anti-Muslim violence erupted in Rakhine state in June 2012 when, following the rape and murder of a Buddhist woman, a revenge killing by civilians left over 200 Rohingya men, women and children dead and hundreds of homes destroyed <sup>(494)</sup>. In October 2016, a series of attacks on border-guard posts in northern Rakhine state, which killed 9 police officers, was attributed to Rohingya militants and a major counter-operation was launched by the security forces <sup>(495)</sup>. The government sealed off the area, forcing the suspension of humanitarian aid and prohibiting access by journalists and rights monitors. It later emerged that that security forces had perpetrated widespread and systematic human rights violations, deliberately targeting the civilian populations with little regard for their connection to the militants being sought <sup>(496)</sup>. There were allegations of torture, extrajudicial killing, arson, mass rape and other abuses committed by security forces <sup>(497)</sup>.

In August 2017, in response to attacks by a Rohingya militant group on police posts and an army base, the security forces commenced another ‘crackdown’ which left at least 400 people dead <sup>(498)</sup> and 214 villages destroyed <sup>(499)</sup>. A senior official of the UNHCR described the attacks on the Rohingya community in Myanmar as a process of ‘ethnic cleansing’ <sup>(500)</sup>.

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<sup>(490)</sup> Karim, L., Demystifying micro-credit, n.d. ([url](#)).

<sup>(491)</sup> US DoS, 2016 Country Reports on Human Rights Practices - Burma, 3 March 2017 ([url](#)).

<sup>(492)</sup> RI, Field Report: Reluctant refuge – Rohingya safe but not secure in Bangladesh, July 2017 ([url](#)), p.4.

<sup>(493)</sup> Al Jazeera, Myanmar’s 2015 election: Who are the Rohingya, 28 October 2015 ([url](#)).

<sup>(494)</sup> Green, P., Macmanus, T., de la Cour Venning, A., Countdown to Annihilation: Genocide in Myanmar, International State Crime Initiative, 2015 ([url](#)), pp. 15, 74.

<sup>(495)</sup> International Crisis Group, Myanmar Border Attacks Fuel Tensions with Rohingya Muslim Minority, 12 October 2016 ([url](#)), accessed 30 November 2017.

<sup>(496)</sup> Al, Myanmar: “We Are At Breaking Point” - Rohingya: Persecuted In Myanmar, Neglected In Bangladesh, 19 December 2016 ([url](#)), p. 8.

<sup>(497)</sup> UK: Foreign and Commonwealth Office, Human Rights and Democracy department: The 2016 Foreign & Commonwealth Office Report, April 2016 ([url](#)), p. 34.

<sup>(498)</sup> Reuters, Explosions rock Myanmar area near Bangladesh border amid Rohingya exodus, 4 September 2017 ([url](#)).

<sup>(499)</sup> HRW, Burma: Satellite Imagery Shows Mass Destruction, 19 September 2017 ([url](#)).

<sup>(500)</sup> BBC News, Myanmar wants ethnic cleansing of Rohingya - UN official, 24 November 2016 ([url](#)).

## 20.2 The Rohingya refugee population in Bangladesh

Up to mid-2016, estimates of the number of Rohingya refugees in Bangladesh ranged from 200,000 to 500,000, as only 33,000 were officially registered <sup>(501)</sup>.

Following the offensive by Myanmar's security forces in October 2016 (see above), over 74,000 more refugees crossed into Bangladesh during the period October 2016 to July 2017 <sup>(502)</sup>.

On 24 November 2017, UNHCR estimated that 622,000 people had fled Rakhine State during the 3 months since 25 August 2017 <sup>(503)</sup>. Médecins Sans Frontières (MSF) confirmed in an article of 21 November 2017 that over 620,000 Rohingya refugees had fled Myanmar and crossed the border into Bangladesh since 25 August. MSF observed that, '...this massive exodus is just the most recent episode in a decades-long cycle of persecution and displacement'<sup>(504)</sup>.

UNHCR noted in their statement of 24 November 2017 that the governments of Bangladesh and Myanmar had reached agreement, in principle, on the return of Rohingya refugees to Myanmar. But UNHCR cautioned:

'At present, conditions in Myanmar's Rakhine State are not in place to enable safe and sustainable returns. Refugees are still fleeing, and many have suffered violence, rape, and deep psychological harm. Some have witnessed the deaths of family members and friends. Most have little or nothing to go back to, their homes and villages destroyed. Deep divisions between communities remain unaddressed. And humanitarian access in northern Rakhine State remains negligible' <sup>(505)</sup>.

## 20.3 Legal status

Bangladesh is not a party to the 1951 Convention relating to the Status of Refugees <sup>(506)</sup>.

Only 33,000 Rohingya - those living in one of the two official camps set up in the 1990's (Kutupalong and Nayapara) near Cox's Bazar in the south east – are officially recognised as refugees. The Government refers to all other Rohingya refugees in the country as 'Undocumented Myanmar Nationals (UMNs)' or as 'new arrivals'; they are illegal foreigners under Bangladeshi law <sup>(507)</sup>.

The US DoS 2016 Country Report on Human Rights Practices – Bangladesh confirmed, 'The Rohingya in Bangladesh are legally stateless ... They cannot derive citizenship from birth [in Bangladesh], marriage with local citizens, or any other means' <sup>(508)</sup>.

Refugees International (RI) observed in July 2017, '[t]he reluctance of the Government of Bangladesh to recognize Rohingya as refugees, despite their fleeing violence and persecution, stems largely from a fear of creating "pull factors" that would bring more Rohingya into an already densely populated country' <sup>(509)</sup>.

<sup>(501)</sup> RI, Field Report: Reluctant refuge – Rohingya safe but not secure in Bangladesh, July 2017 ([url](#)), p. 4.

<sup>(502)</sup> RI, Field Report: Reluctant refuge – Rohingya safe but not secure in Bangladesh, July 2017 ([url](#)), p. 7.

<sup>(503)</sup> UNHCR, Rohingya refugee returns must meet international standards, 24 November 2017 ([url](#)).

<sup>(504)</sup> MSF, Bangladesh: Hundreds of Thousands of Rohingya Seek Refuge From Violence in Myanmar, 21 November 2017 ([url](#)).

<sup>(505)</sup> UNHCR, Rohingya refugee returns must meet international standards, 24 November 2017 ([url](#)).

<sup>(506)</sup> UNHCR, States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, April 2015 ([url](#)).

<sup>(507)</sup> RI, Field Report: Reluctant refuge – Rohingya safe but not secure in Bangladesh, July 2017 ([url](#)), p. 4.

<sup>(508)</sup> US DoS, 2016 Country Reports on Human Rights Practices - Bangladesh, 3 March 2017 ([url](#)), section 1c.

<sup>(509)</sup> RI, Field Report: Reluctant refuge – Rohingya safe but not secure in Bangladesh, July 2017 ([url](#)) p. 5.

## 20.4 Living conditions

Refugees International (RI) noted in July 2016:

‘Rohingya have long faced a precarious existence in Bangladesh. With only 33,000 of the hundreds of thousands of Rohingya recognized as refugees by the government, the vast majority are living without the basic protections afforded to refugees. Without formal identification or access to work, they are living in limbo, struggling to survive and vulnerable to exploitation and abuse .... The makeshift shelters in which most live are barely inhabitable in the heat of summer and vulnerable to the high winds and heavy rains of the monsoon season.

(...)

The people of Bangladesh have often shown a sense of solidarity with Rohingya fleeing Myanmar, assisting new arrivals and living peacefully alongside longer term residents. But the large numbers have also brought tensions and created political opposition’<sup>(510)</sup>.

The International Organization for Migration (IOM) reported in November 2017, ‘[t]he sites where the Rohingyas have settled are desperately overcrowded and located on inhospitable terrain with insufficient drainage and little or no road access (...)’<sup>(511)</sup>.

As of November 2017, the Bangladesh government was constructing a large refugee camp in Cox’s Bazar district<sup>(512)</sup>.

## 20.5 Relief operations

Reliefweb, a news service of the UN Office for the Coordination of Humanitarian Affairs (OCHA), reported on 23 October 2017 that 536,000 refugees in Bangladesh had so far been reached by aid agencies with food assistance, though funding shortages have meant that one third of recipients received only partial rations. Agencies also provided clean water, sanitation services, healthcare, shelter materials, essentials like cooking equipment and jerry cans, and counselling services for the traumatised<sup>(513)</sup>.

MSF significantly scaled up its water and sanitation, and medical facilities (including mental health care services), in the Cox’s Bazar area, and treated 67,169 patients between late-August and November 2017. These included more than 250 newly-arrived casualties with bullet, blast, and stab wounds and injuries related to sexual violence. Of the 80+ women and girl survivors of sexual violence treated by MSF, half were under the age of 18 and several were under the age of 10<sup>(514)</sup>.

The Bangladesh Ministry of Health, MSF, the World Health Organization (WHO) and UNICEF have, between them, ensured that refugees arriving in the country are vaccinated against measles and rubella, polio, and certain other illnesses<sup>(515)</sup>.

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<sup>(510)</sup> RI, Field Report: Reluctant refuge – Rohingya safe but not secure in Bangladesh, July 2017 ([url](#)), p.5.

<sup>(511)</sup> UN News Service, UN, partners building roads to reach Rohingya refugees camped in muddy, flood-prone terrain, 10 November 2017 ([url](#)).

<sup>(512)</sup> HRW, Rohingya Crisis: 10 Principles for Protecting Refugees, 7 November 2017 ([url](#)).

<sup>(513)</sup> Reliefweb, The Rohingya Crisis in Numbers, 23 October 2017 ([url](#)).

<sup>(514)</sup> MSF, Bangladesh: Hundreds of Thousands of Rohingya Seek Refuge From Violence in Myanmar, 21 November 2017 ([url](#)).

<sup>(515)</sup> MSF, Bangladesh: Hundreds of Thousands of Rohingya Seek Refuge From Violence in Myanmar, 21 November 2017 ([url](#)); UN News Service, UN, partners building roads to reach Rohingya refugees camped in muddy, flood-prone terrain, 10 November 2017 ([url](#)).

The poor state of the roads in the Cox's Bazar area has caused major problems for relief agencies. The IOM, working with UNHCR, has improved road access to refugee sites; the IOM also assumed responsibility for coordinating management at a site housing an estimated 423,000 refugees <sup>(516)</sup>.

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<sup>(516)</sup> UN News Service, UN, partners building roads to reach Rohingya refugees camped in muddy, flood-prone terrain, 10 November 2017 ([url](#)).

# Annex I - Terms of Reference Bangladesh Factsheet

## Map of Bangladesh

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## Annex II - Information requested on specific areas of the country

### II.1 Joypurhat District, Rajshahi Division

Joypurhat is a relatively small district, part of the Rajshahi Division and located in northern Bangladesh. The total number of the Joypurhat's population is 909 000 people and the total area is 965 sq. km.<sup>(517)</sup>.

Criminal activity in Joypurhat District during 2017 include: in the beginning of March 2017 the strangled body of a minor boy was found <sup>(518)</sup>. On 27 May 2017, 13 statues including 12 of Shiva Linga inside the historic Barashivalaya Temple in Joypurhat were vandalised, frightening the Hindu community. In response, a large number of police forces were deployed in and around the temple area <sup>(519)</sup>. Hundreds of Hindus later protested against the temple attack <sup>(520)</sup> On 8 September 2017 a housewife was raped by three men in Joypurhat District, who were later apprehended by the police <sup>(521)</sup>.

### II.2 Noakhali District, Chittagong Division

Noakhali is located in southeastern Bangladesh with a total area 3,601 sq. km. and a population of 3,072,000 people <sup>(522)</sup>. In August 2017 in Noakhali District four people were killed, and two others injured after a livestock stealing incident. The four men were beaten to death by angry villagers and the police have yet to identify the victims <sup>(523)</sup>. During another incident some days later, a Jubo League activist of the name Riaz Uddin was hacked to death, allegedly by rivals. The police deployed extra forces in the area where the killing has occurred after the incident <sup>(524)</sup>. In a factional clash in Noakhali District, several activists of the ruling Awami League (AL) were injured, four of them with bullets <sup>(525)</sup>. On 15 September 2017, 26 local leaders and activists of Sweccha Sebok Dal, a wing of BNP, were detained by the police without cases filed against them. As a reason for detention the police gave the detainees's intention to hold a secret meeting <sup>(526)</sup>.

### II.3 Madaripur District, Dhaka Division

Madaripur is located in central Bangladesh, a part of Dhaka Division. The district's area is 1,145 sq. km. and the total population numbers 1,149,000 people <sup>(527)</sup>. In the summer of 2017 at least 20 people, including two members of the police, were injured in a clash between the workers of Madaripur Spinning Mill and police. The altercation was caused by protests staged by the workers over the authorities decision to close the factory over loan default. In order to disperse the workers

<sup>(517)</sup> IHSN, Bangladesh – Population and Housing Census 2011 – Preliminary Result, 7 April 2014 ([url](#)).

<sup>(518)</sup> Prothom Alo Bangladesh, Minor boy found dead in Joypurhat, 4 March 2017 ([url](#)).

<sup>(519)</sup> Daily Star (The), 12 statues of Shiva Linga damaged in Joypurhat, 28 May 2017 ([url](#)).

<sup>(520)</sup> Dhaka Tribune (The), Temple attack in Joypurhat protested, 8 June 2017 ([url](#)).

<sup>(521)</sup> New Nation (The), Housewife 'gang raped' in Joypurhat, 11 September 2017 ([url](#)).

<sup>(522)</sup> IHSN, Bangladesh – Population and Housing Census 2011 – Preliminary Result, 7 April 2014 ([url](#)).

<sup>(523)</sup> BdNews24, Four 'cattle thieves' beaten to death in Noakhali, 10 August 2017 ([url](#)).

<sup>(524)</sup> UNB News, Jubo League man hacked dead in Noakhali, 30 August 2017 ([url](#)).

<sup>(525)</sup> Daily Star (The), 4 'bullet-hit' in Noakhali AL infighting, 6 September 2017 ([url](#)).

<sup>(526)</sup> Bangla News24, 26 Sweccha Sebok Dal men held in Noakhali, 16 September 2017 ([url](#)).

<sup>(527)</sup> IHSN, Bangladesh – Population and Housing Census 2011 – Preliminary Result, 7 April 2014 ([url](#)).

police fired teargas shells and used batons<sup>(528)</sup>. In a September 2017 clash between two rival political groups in Madaripur, 5 people were killed, and 12 were injured. The police detained six people over the incident<sup>(529)</sup>.

## II.4 City of Chittagong; Chittagong Division

Chittagong City is the second largest city in Bangladesh with a total area of 5,283 sq. km. and a population of 7,509,000 people. Chittagong is also a major Bangladeshi port<sup>(530)</sup>. In June 2017, a young man was sentenced to jail for the rape of a university student<sup>(531)</sup>. In August 2017, a portrait of Bangabandhu Sheikh Mujibur Rahman (Bangladesh's founding father) was vandalised in Chittagong<sup>(532)</sup>. A Chittagong court sent thirteen high school teachers to jail in a sedition case filed for reportedly defaming Bangabandhu Sheikh Mujibur Rahman. The court rejected the teachers' bail applications<sup>(533)</sup>. During another incident, also occurring in August 2017, fifteen people were injured as workers of a jute mill demonstrating for their arrears clashed with police in Chittagong city<sup>(534)</sup>.

## II.5 Chittagong Hill Tracts (CHT)

Chittagong Hill Tracts (CHT) are an area within Chittagong Division, the most southeastern district of Bangladesh, bordering Myanmar and India. It consists of the districts Khagrachari, Rangamati Hill and Bandarban Districts and is home to 11 different ethnic groups. The steep, mountainous terrain and dense jungle makes it distinct from other parts of Bangladesh<sup>(535)</sup>. In 2011 the CHT had a population of 1,587,000 people<sup>(536)</sup>.

It is among the so called 'sensitive areas', where some restrictions on foreign access are in place. During 2016, societal tensions and marginalisation of indigenous people continued in the CHT as a result of government policy. During the 1973-1997 low-level armed conflict, landless Bengalis were relocated from the plains to the CHT. This resulted in the displacement of tens of thousands of indigenous persons. As a consequence the internally displaced persons (IDPs) in the CHT have limited physical security and face problems such as lack of sufficient access to courts and legal aid. There are also abuses with regard to indigenous persons' rights, committed by settlers, and sometimes with the involvement of security forces. These abuses occur regardless of the special status afforded to the indigenous population in CHT by the government. The constitution also allows for affirmative action in favor of indigenous people<sup>(537)</sup>. See also section [13.1 The indigenous peoples \(Adivasi\) of the Chittagong Hill Tracts and northern Bangladesh](#).

## II.6 Chuadanga District, Khula Division

Chuadanga is the southwestern border district of Bangladesh with an area of 1,177 sq. km. and a population of 1,123,000 people<sup>(538)</sup>. During a shooting in early June 2017, one suspected militia

<sup>(528)</sup> Dhaka Tribune (The), Madaripur Spinning Mill closed; 20 hurt as workers clash with police, 14 July 2017 ([url](#)).

<sup>(529)</sup> BangladeshNews24, 5 shot, 12 hurt in Madaripur clash, 3 September 2017 ([url](#)).

<sup>(530)</sup> IHSN, Bangladesh – Population and Housing Census 2011 – Preliminary Result, 7 April 2014 ([url](#)).

<sup>(531)</sup> Daily Star (The), Sri Lankan MBBS student raped in Chittagong, youth held, 20 June 2017 ([url](#)).

<sup>(532)</sup> BusinessNews24, Chittagong News, Bangabandhu's portrait vandalised, 17 August 2017 ([url](#)).

<sup>(533)</sup> Daily Star (The), 13 Ctg teachers land in jail for 'defaming' Bangabandhu, 23 August 2017 ([url](#)).

<sup>(534)</sup> Daily Star (The), Jute mill workers clash; road blocked in Ctg, 29 August 2017 ([url](#)).

<sup>(535)</sup> UNPD, Project area, n.d. ([url](#)).

<sup>(536)</sup> IHSN, Bangladesh – Population and Housing Census 2011 – Preliminary Result, 7 April 2014 ([url](#)).

<sup>(537)</sup> US DoS, Country Reports on Human Rights Practices 2016 – Bangladesh, 3 March 2017 ([url](#)).

<sup>(538)</sup> IHSN, Bangladesh – Population and Housing Census 2011 – Preliminary Result, 7 April 2014 ([url](#)).

member was killed by a RAB patrol <sup>(539)</sup>. According to reports, a housewife killed herself by taking poison after being gangraped in Chuadanga District <sup>(540)</sup>. In August 2017 at least 23 people were injured in clashes between the leaders and activists of the two local Awami League (AL) groups over the Eid Jamaat (Congregation), allegedly due to a longstanding conflict between two of AL's leaders <sup>(541)</sup>.

## II.7 City of Dhaka

The city of Dhaka is the capital of Bangladesh and is also the largest city in the country. The population numbers over 11 million as of 2011 <sup>(542)</sup>. According to a US DoS report, financial scams, vehicle thefts, and petty drug crimes comprise the majority of criminal activity in Dhaka (and other major cities in Bangladesh). In Dhaka there is also a risk of terrorist attacks, as since January 2015, AQIS and its domestic affiliate Ansar al-Islam have claimed responsibility for seven terrorist attacks, most of which took place in Dhaka <sup>(543)</sup>. One of the last attacks took place on 24 March 2017, when a suicide bomber attacked Dhaka International Airport. The attacker died in the explosion and according to initial data, was trying to attack security personnel. The incident, the responsibility of which was claimed by the Islamic State (IS), caused no casualties or injuries. This was the third recent attempted suicide attack in Dhaka <sup>(544)</sup> and the three bombings were the first major terrorist attacks in the country since July 2016, when IS claimed the attack on a Dhaka restaurant <sup>(545)</sup>.

## II.8 Munshigahj, Dhaka Division

Munshigahj is a relatively small district, located in the central part of Bangladesh. The total area of the district is 955 sq. km., and the total population is 1,420,000 people <sup>(546)</sup>. According to a local news site, around 65,000 Bede people struggle to find accommodation and income <sup>(547)</sup>.

One person was killed and three others injured in a clash between AL factions in Munshiganj in June 2017. Reportedly, the two factions have clashed several times in the past two years, resulting in property damages. As a protective measure against subsequent incidents of this nature, additional police personnel have been deployed to the area <sup>(548)</sup>. On 18 September 2017 the police arrested an alleged terrorist with a shutter gun at Munshigahj District, who was trying to rob a pickup van <sup>(549)</sup>.

## II.9 City of Sylhet; Sylhet Division

The large city of Sylhet is located on the banks of the Surma River and surrounded by the Jaintia, Khasi and Tripura hills in the northeastern part of Bangladesh. It is the capital of Sylhet Division and Sylhet District and is also one of the largest cities in Bangladesh with the total population of nearly 500,000 people <sup>(550)</sup>. There have been reports of antiterrorist raids in the city of Sylhet. During one of the raids,

<sup>(539)</sup> Bd News24, Alleged militant killed in Chuadanga RAB 'shootout', 8 June 2017 ([url](#)).

<sup>(540)</sup> UNB News, Gangraped housewife commits suicide in Chuadanga, 24 August 2017 ([url](#)).

<sup>(541)</sup> UNB News, Eid prayer turns deadly as AL factions clash in Chuadanga, 2 September 2017 ([url](#)).

<sup>(542)</sup> IHSN, Bangladesh – Population and Housing Census 2011 – Preliminary Result, 7 April 2014 ([url](#)).

<sup>(543)</sup> US DoS, Bureau of Diplomatic Security, Bangladesh 2017 Crime & Safety Report, 2 January 2017 ([url](#)).

<sup>(544)</sup> India Today, Suicide attack outside Dhaka international airport; ISIS claims responsibility, 24 March 2017 ([url](#)); CNN.com, Bomber dies in blast near Dhaka airport in Bangladesh, 24 March 2017 ([url](#)).

<sup>(545)</sup> US DoS, Bureau of Consular Affairs, Alerts and Warnings - Bangladesh, last updated 12 July 2017 ([url](#)).

<sup>(546)</sup> IHSN, Bangladesh – Population and Housing Census 2011 – Preliminary Result, 7 April 2014 ([url](#)).

<sup>(547)</sup> Munshigahj, 65,000 gypsies in Munshiganj deprived of basic rights, 12 February 2017 ([url](#)).

<sup>(548)</sup> Bd News24, One killed in clash between Munshiganj Awami League factions, 10 June 2017 ([url](#)).

<sup>(549)</sup> UNB News, Terrorist held with shutter gun in Munshiganj, 18 September 2017 ([url](#)).

<sup>(550)</sup> Sylhet City Corporation.org, About Sylhet, n.d. ([url](#)).

two police officers and four civilians were killed, and in addition up to 50 people were injured in twin bombings in Sylhet. IS claimed responsibility for one of the blasts <sup>(551)</sup>.

Another problem in Sylhet is drug distribution, as there are reports according to which Sylhet city has become a 'safe haven' for drug dealers. Most of the drug users are generally young men between 15-30 years of age <sup>(552)</sup>.

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<sup>(551)</sup> BBC News, Sylhet blasts kill six amid Bangladesh militant raid, 26 March 2017 ([url](#)); NDTV, 6 Killed, 50 Injured In Twin Blasts In Bangladesh's Sylhet. Anti-Terror Operation Under Way, 26 March 2017 ([url](#)).

<sup>(552)</sup> Business News, Sylhet city turns safe heaven for drug traders, 22 July 2017 ([url](#)).

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