BANGLADESH

COUNTRY ASSESSMENT

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I SCOPE OF DOCUMENT

1.1 This assessment has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information obtained from a wide variety of recognized sources. The document does not contain any Home Office opinion or policy.

1.2 The assessment has been prepared for background purposes for those involved in the asylum / human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum / human rights claims made in the United Kingdom.

1.3 The assessment is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4 It is intended to revise the assessment on a six-monthly basis while the country remains within the top 35 asylum-seeker producing countries in the United Kingdom.

2. GEOGRAPHY

General

2.1 Located in south Asia, the People's Republic of Bangladesh is bordered almost entirely by India, except for a small frontier in the Southeast with Burma and the coastline along the Bay of Bengal in the south. The capital is Dhaka. There remain some areas where the exact border with India is disputed. **[1b]**

2.2 Covering almost 57,000 square miles of land, Bangladesh has an estimated population of 128,100,000 **[1b]** and is one of the world's most densely populated countries. **[3c]** According to the 1991 census the four largest cities were Dhaka (3.6 million people), Chittagong (1.5 million people), Khulna (over 600,000 people) and Rajshahi (nearly 325,000 people). **[1a]** 89% of the population are located in the countryside. **[3c]** Bengalis comprise 98% of the country's population, with the remaining 2% comprising 250,000 Biharis and less than 1 million tribals.
The 1981 census classified 86.6% of the population as Muslims, 12.1% as caste Hindus and scheduled castes, and the remainder as Buddhists, Christians and tribals. In 1988, Islam was established as the state religion. **[1b]**

2.3 A deltaic plain, Bangladesh is often submerged by the floodwaters of its river system, or from waters driven inland from the Bengal Gulf. With a tropical climate, particularly between June and September monsoon rains, typhoons and tidal waves also cause devastating floods. **[3a]**

Languages

2.4 The state language is Bangala and is spoken by about 95% of the population. **[1b]** However Biharis speak Urdu, and the tribal populations in the Chittagong Hill Tracts use various dialects. English is also used in commerce and administration. **[3a]**

3. Economy

3.1 Bangladesh is a very poor country. The economy is market-based, although the Government owns all the utilities, most transport companies, and many large manufacturing and distribution firms. Efforts to improve governance and economic growth through reform have been largely unsuccessful and have been blocked by bureaucratic intransigence, vested economic interests, endemic corruption, and political polarization. Periodic natural disasters also hamper development. **[2a]** Foreign investment, particularly in the gas and electricity sectors, earnings from export, remittances from workers overseas, and foreign aid are important sources of national income. **[2a]**

3.2 The country is plagued with corruption and half the population lives below the United Nations poverty line. Rates of malnutrition and per capita income are amongst the worst in Asia. It is estimated that around a third of the 70 million workforce is unemployed. **[20l]** Slightly more than half of all children are malnourished. **[2a]**

4. HISTORY

Pre-independence: 1947 - 1971

4.1 Present-day Bangladesh was originally one of the five provinces comprising Pakistan, created following the partition of the Indian sub-continent in August 1947. Known as East Pakistan, the province was formed from the former Indian province of East Bengal and the Sylhet district of Assam. **[1a]**

4.2 East Pakistan became dissatisfied with the distant central government in West Pakistan, and the situation was exacerbated in 1952 when Urdu was declared Pakistan's official language. Discontent continued in the eastern wing, mainly due to under representation in the administration and armed forces. The leading political party of East Pakistan, the Awami League (AL), subsequently demanded autonomy from the West. **[1a]**

4.3 A general election in December 1970 gave the AL an overwhelming victory in the East and thus a majority in Pakistan's National Assembly. On 26 March 1971 the AL leader, Sheikh Mujibur Rahman, proclaimed the independence of the People's Republic of Bangladesh. Civil war immediately followed and the Pakistan President, General Yahya Khan, outlawed the AL and arrested its leaders. **[1a]**

4.4 Resistance continued from the Liberation Army of East Bengal (the Mukti Bahini), a group of irregular fighters who launched a major offensive in November. As a result, an estimated 9.5 million refugees crossed into India. On 4 December 1971 India declared war on Pakistan, with Indian forces supporting the Mukti Bahini. Pakistan surrendered to the allied forces of Bangladesh and India on 16 December and Bangladesh achieved its independence, quickly achieving international recognition. **[1a]**

1972 - 1982

4.5 Sheikh Mujibur became Bangladesh's first Prime Minister in January 1972. A general election for the country's first parliament ('Jatiya Sangsad') was held in March 1973: the AL won 292 of the 300 directly elective seats. Internal stability was however threatened by opposition groups resorting to terrorism. **[1a]**

4.6 In January 1975 a presidential government replaced the parliamentary government; Sheikh Mujibur became President, assuming absolute power. However, Mujibur and members of his family were assassinated in a right wing coup (led by army majors) in August. Martial law was then declared and political parties banned. A subsequent counter-coup on 3 November however brought Khalid Musharaf, a pro-Indian commander of the Dhaka garrison, to power. This proved to be extremely short-lived, as a third coup on 7 November overthrew Musharaf and power was assumed under a neutral non-party government, with Major General Ziaur Rahman (General Zia) taking precedence. **[1a]**

4.7 Political parties were again legalized in July 1976. General Zia assumed the presidency in April 1977. In the parliamentary elections of February 1979, Zia's Bangladesh Nationalist Party (BNP) won 207 of the 300 directly elective seats in the Jatiya Sangsad. A new Prime Minister was appointed in April, and martial law repealed. The state of emergency was revoked in November. **[1a]**

4.8 Zia was assassinated on 30 May 1981, during an attempted military coup. Political instability ensued and Vice President Abdus Sattar was nominated President. Sattar (finding it difficult to retain civilian control) formed a National Security Council in January 1982, led by Chief of the Army Staff, Lieutenant-General Hossain Mohammad Ershad. On 24 March Ershad seized power in a bloodless coup. Martial law was again declared, with Ershad as Chief Martial Law Administrator (although in October Ershad changed his title to Prime Minister), aided by a military Council of Advisers. **[1a]**

1983 - 1990

4.9 Although the government's economic policies achieved some success, increasing demands for a return to democracy ensued throughout 1983. The two principal opposition groups that emerged were an eight-party alliance, headed by a faction of the AL under Sheikh Hasina (daughter of the late Sheikh Mujibur) and a seven-party group, led by a faction of the BNP under former President Sattar and Begum Khaleda Zia (widow of General Zia). In September the two groups formed an alliance: the Movement for the Restoration of Democracy. In November, permission was given for the resumption of political activity and a new political party, the Jana Dal (People's Party) was formed to support Ershad as a presidential candidate. Ershad declared himself President on 11 December. **[1a]**

4.10 Throughout 1984 the country experienced strikes, political demonstrations, the postponing of the country's local, presidential and parliamentary elections and demands by the opposition for the repealing of martial law. **[1a]**

4.11 In January 1985 a new Council of Ministers was formed, composed almost entirely of military officers and excluding all members of the Jana Dal (in response to the opposition parties' demands for a neutral government during the pre-election). However, President Ershad refused to relinquish power to an interim government. The National Front (NF), a new five-party political alliance, (comprising the Jana Dal, the United People's Party, the Gonotantrik Party, the Bangladesh Muslim League and a breakaway section of the BNP) was established in September to promote government policies. **[1a]**

4.12 The ten-month ban on political activity was lifted in January 1986, and the NF formally became a single pro-government entity: the Jatiya Party (National Party). Although smaller opposition parties participated in the parliamentary elections on 7 May, the elections were boycotted by the Begum Khaleda Zia-led BNP. The Jatiya Party won 153 of the 300 directly elective seats in the Jatiya Sangsad. Mizanur Rahman Chowdhury, the former General-Secretary of the Jatiya Party, was appointed Prime Minister in July. **[1a]**

4.13 Ershad joined the Jatiya Party in September, being elected as chairman of the party. In the presidential election of mid-October (which was boycotted by both the BNP and AL) Ershad received 22 million votes. In November, the Jatiya Sangsad approved indemnity legislation (legalizing the military regime's actions since March 1982). Ershad then repealed martial law and formed a new Council of Ministers, including four MPs from the AL. **[1a]**

4.14 Dissension from the opposition continued throughout 1987 and President Ershad declared a nation-wide state of emergency on 27 November. On 6 December, after twelve opposition members had resigned and the 73 AL members had agreed to do likewise, Ershad dissolved the Jatiya Sangsad. The Jatiya Party won a large majority of seats in the parliamentary elections of 3 March 1988. Later that month, Moudud Ahmed, an ally of Ershad, was appointed Prime Minister. Ershad repealed the state of emergency in April. **[1a]**

4.15 Violence, anti-government demonstrations and strikes occurred throughout the country in 1990. Ershad re-proclaimed a state of emergency on 27 November, and later resigned on 4 December, simultaneously revoking the state of emergency (again), and dissolving the Jatiya Sangsad. The newly appointed Vice President, Shahabuddin Ahmed, assumed the responsibilities of acting President, and was placed at the head of a neutral caretaker government. In the week following his resignation, Ershad was placed under house arrest. **[1a]**

1991 - 1996

4.16 On 27 February 1991, the BNP alliance won an overall majority at the parliamentary elections. Later, following discussion with the Jamaat-e-Islami (JI), the BNP ensured a small working majority in the Jatiya Sangsad, and Begum Khaleda Zia assumed office as Prime Minister. Abdur Rahman Biswas was elected as the new President on 8 October. In August 1992, the government survived an AL-led parliamentary motion of no confidence. **[1a]**

4.17 In January 1994, the AL won the mayoralties of Dhaka and Chittagong. However, a by-election success in March revealed the strength of the BNP elsewhere. All opposition members of the Jatiya Sangsad resigned en masse on 28 December. Nonetheless the Prime Minister, with her party's parliamentary majority, pledged to maintain constitutional government. On 24 November 1995, the Prime Minister requested that the Jatiya Sangsad be dissolved pending the outcome of the next general election. Although opposition persisted, Begum Khaleda Zia's administration continued in office in an acting capacity. **[1a]**

4.18 The general election, postponed until 15 February 1996, was boycotted by all of the main opposition parties. Consequently, the BNP won 205 of the 207 legislative seats declared. However, the opposition refused to recognize the legitimacy of the polls and announced the launch of a non co-operation movement against the government. Finally, the Prime Minister agreed to hold fresh elections under neutral auspices. **[1a]**

4.19 Begum Khaleda Zia and her government resigned from their posts on 30 March after making the 13th amendment of the Constitution to ensure a non-party caretaker

government would hold the general election, and the Jatiya Sangsad was subsequently dissolved. President Biswas appointed Muhammad Habibur Rahman as acting Prime Minister. Notwithstanding an unsuccessful military coup on 20 May, a further general election was held on 12 June: the AL won 146 of the 300 elective seats in the Jatiya Sangsad. An understanding was rapidly reached between the AL and the Jatiya Party (whose major interest was the release of Ershad). **[1a]**

4.20 Sheikh Hasina was sworn in as the new Prime Minister on 23 June. Her Council of Ministers incorporated one member from the Jatiya Party and included a number of retired officials and army officers. On 23 July, Shahabuddin Ahmed was elected as Bangladesh's new Head of State. **[1a]**

4.21 Upon assuming power, Sheikh Hasina vowed to bring to justice those responsible for the assassination of her father, Sheikh Mujibur Rahman. In November, the Jatiya Sangsad voted unanimously to repeal the indemnity law that had been enacted in 1975 to protect the perpetrators of the military coup in that year; the BNP and the JI however boycotted the vote. **[1a]**

1997 –1999

4.22 Ex-President Ershad was released from prison on bail in January 1997. Agitational politics continued throughout the year. The trial of twenty people accused of direct involvement in Sheikh Mujibur's assassination began in March 1997. **[1a]** The opposition organized further disruptive strikes in July and August 1997 in protest of the government's imposition of higher taxes as part of the annual budget, and also because of increased fuel prices. A series of strikes and demonstrations ensued, organized by the BNP in conjunction with Islamic and right-wing groups. **[1a]**

4.23 On 30 August 1997 the BNP, inflamed by a fresh argument over the murder of Sheikh Mujibur Rahman, recommenced its boycott of the Jatiya Sangsad. **[4a]** In November 1997 the BNP, backed by its allies including the JI, led general strikes in Dhaka and Chittagong. These resulted in clashes with the AL and subsequent killings and injuries. **[4b]**

4.24 In December 1997 the AL government signed an historic peace accord to end the insurgency in the Chittagong Hill Tracts. **[1a] [4c]** Opposition to the treaty from the BNP swiftly ensued. **[1a][4d]** However on 10 February 1998 the Shanti Bahini guerrillas formally surrendered their arms to the government, marking an end to the 25-year insurgency. **[4e]**

4.25 The ruling coalition split on 15 March 1998 when the minority Jatiya Party announced that it was leaving the 'national consensus' government. **[5b] [11f]** Ershad remained charged with sixteen offences, all of which were filed during the caretaker government (1990-91) and BNP rule (1991-96). These offences mostly concerned the misappropriation of government funds (amongst other corruption charges.) **[11f]**

4.26 The BNP returned to the Jatiya Sangsad on 9 March 1998, following the signing of a memorandum of understanding between it and the ruling AL. **[5b]** However the BNP walked out of the Jatiya Sangsad on 12 April 1998, in protest against four bills concerning the December 1997 Chittagong Hill Tracts Peace Accord. **[5c]** Nonetheless, the Jatiya Sangsad passed the four bills at the beginning of May 1998. **[5d]**

4.27 The seven-party opposition alliance led by the BNP renewed its campaign to oust Sheikh Hasina's government during October and November 1998 by holding a series of strikes. **[5e]**

4.28 A new anti-government alliance was formed on 20 December 1998 between Begum Khaleda Zia's BNP and the leaders of the Jamaat-e-Islami and the Jatiya Party (the latter had initially supported the AL government after the June 1996 election). It had been reported earlier on 15 December 1998 that the Jatiya Party had linked up with seven smaller parties to agitate against the government. The opposition claimed that intimidation and vote rigging had marred a recent by-election in Pabna. **[5g]**

4.29 Prime Minister Hasina's consensus government suffered a blow on 30 December 1998 when Communications Minister, Anwar Hossain Manju, was sacked from the Jatiya Party's presidium, from the post of its vice-chairman and the party's membership, for violating party discipline and making outrageous statements. The Jatiya Party's leader, Ershad, who had recently become an ally of the main opposition, said that he would join any movement to topple the government. Manju was reportedly sacked from the Jatiya Party for criticising Ershad's moves to topple the government. The Jatiya Party also urged Manju to quit the cabinet. **[4f]**

4.30 Two bombs exploded at a music and culture festival in the town of Jessore on 6 March 1999, killing at least eight people and injuring some 150 others. The president of the group organizing the festival (the Udichi Shilpi Gosthi) blamed the bombing on Islamic fundamentalists. The Prime Minister who reportedly implied that the BNP were responsible condemned the attack. **[5h]**

4.31 General Ershad was prevented from leaving the country in November 1999. This came the day after his Jatiya Party counterpart and former Prime Minister Kazi Zafar Ahmed was sentenced in absentia to fifteen years imprisonment for corruption. Ershad's conviction for corruption was under appeal at the time. **[20a]**

January 2000 - December 2000

4.32 In July 2000 twenty-four people were charged with the March 1999 Jessore bombing, including a former opposition MP. Police suspected a link between the bombing and the murder of prominent investigative journalist Shamsur Rahman the same month. Rahman had exposed the link between organized crime and politics, and police suspected that his murder was a bid to intimidate witnesses in the bombing case. **[20d]**

4.33 The ruling Awami League began a campaign against the Jamaat-e-Islami's student wing - the Islami Chhatra Shibir - following the murder of eight pro-AL students

in Chittagong in July 2000. **[4s]** The Prime Minister made a statement following this incident which was interpreted as vengeful, and was not well received by the media. Following this there was an attempt on the Prime Minister's life, when a bomb was detected accidentally near Kotalipara a day ahead of her scheduled visit. Ruling party leaders were quick to associate the BNP-led opposition with the incident. **[12d]**

4.34 Political tensions heightened further on 6th August 2000 when police used lathi-charges, teargas and rubber bullets to disperse an opposition alliance rally in front of the BNP central office. **[12d]**

January 2001 - September 2001

4.35 There were violent clashes in February 2001 following the arrest of radical Muslim leader Maulana Azizul Haq of the hard line Islami Oikya Jote (IOJ) party, who was charged with the murder of a policeman during a general strike called by the Islamic parties. The violence followed a court ruling banning Islamic edicts (or fatwas). **[20f]** In the same month in Dhaka four people and a policeman were killed and dozens wounded in violence between ruling party and opposition activists during a general strike. **[20h]**

4.36 On 15th July a caretaker government was sworn in to organise new elections, following a violent two-day transition in which twelve people were killed. Former chief justice Latifur Rahman was appointed to head the interim administration, following the first time the country's assembly had served out a full five-year term. Rahman's government was to be responsible to President Ahmed who was to hold supreme powers during the interim period. **[21c]**

4.37 In late September 2001, a bomb blast in Dhaka killed at least eight members of the Awami League as the hostile atmosphere in the run up to the general election heightened. In response to the escalating tension the caretaker government deployed more than 50,000 troops to quell the violence. **[20k]**

October 2001 to October 2002

4.38 The general election proceeded on 1 October 2001, although voting was suspended in several constituencies owing to violence. **[1a]** The entire election campaign had been characterized by violence. At least 140 people were killed in feuding between the AL and BNP supporters during the election campaign, while six died on the polling day. **[5f]** The Awami League claimed that voting had been manipulated as it became clear that the opposition alliance, led by the BNP, had won an overwhelming majority of 300 directly elective seats in the Jatyia Sangsad. However, more than 300 international monitors declared the poll to have been free and fair. **[1a][5f]**

4.39 On 10 October 2001, Begum Khaleda Zia was sworn in as Prime Minister. At the end of October 2001, the newly elected members of parliament representing the opposition AL took oath of office, but refused to join the opening session of the Jatiya Sangsad in continuing protest against what they considered rigged election. The

opposition party also condemned the violence perpetrated by the BNP-led alliance against AL members and religious minority groups. **[1a]**
Sheikh Hasina announced that the newly elected AL members would continue to boycott the Jatiya Sangsad (the unicameral legislature) until the new coalition government stopped its "repression" of AL members and minority communities. **[5f]**

4.40 In March 2002, all 58 AL legislators threatened to submit resignation of their seats in Jatiya Sangsad. This threat was spurned by the introduction by BNP Prime Minister Khaleda Zia of a bill repealing an earlier act that had made mandatory the display in public offices of portraits of Sheikh Hasina's father, Sheikh Mujibur Rahman. **[5g]** The AL boycott of the Jatiya Sangsad continued until June 2002. **[4l]**

4.41 On 21 June 2002, President Bardruddoza Chowdhury, who had been elected President on 14 November 2001, resigned under pressure from the ruling Bangladesh Nationalist Party after he had failed to visit the grave of Maj-Gen Ziaur Rahman on the anniversary of the latter's assassination in 1981. Rahman was the husband of the present BNP Prime Minister Khaleda Zia. The AL opposition and other observers have regarded Chowdhury's resignation as unconstitutional. **[5h]** The Awami League members demanded a general discussion on the resignation of the President but the Speaker of the Jatiya Sangsad disallowed any discussion on the subject. **[4o]** On 5 September 2002, Iajuddin Ahmed, a retired professor from Dhaka University, was elected the new president. **[20v]**

4.42 Sheikh Hasina, the leader of the Awami League opposition has been very critical of what she sees as the undemocratic style of the BNP government. **[4m]** In July 2002, she alleged that the Government does not want to make the Jatiya Sangsad effective. The Leader of Opposition said her party MP's had submitted 73 notices on different subjects of public importance but the Speaker did not accept any of the notices. **[4n]**
Several AL party leaders have also been detained without warrant and some have allegedly been severely tortured. **[4n]**

4.43 Political tension in the recent months has intensified. On 30 August 2002, a convoy of cars carrying Sheikh Hasina came under fire. The AL spokesman has blamed the BNP Government for the attack. **[20s]** On 1 September 2002, the police arrested 300 supporters of the opposition Awami League hours before they staged a nationwide strike in protest at the attack on Sheikh Hasina and her convoy of cars on 30 August. **[20t]**

4.44 The Government of Prime Minister Khaleda Zia has been facing criticism for rising wave of crime and deteriorating law and order in the country. In response to continuing deterioration in law and order, on 17 October 2002, the Government launched the 'Operation Clean Heart'. **[7k]** As part of this operation the Government deployed the army across the country to crack down on criminals and claimed that it was a move to assist other law enforcement agencies in tackling rising crime. The troops were deployed in all major cities, including the capital Dhaka, and began conducting raids to arrest suspected criminals. **[20aa]** Several members of the ruling Bangladesh Nationalist Party and the opposition Awami League have been detained for their alleged links with criminals. **[20aa][7k]**

5. THE STATE STRUCTURE

Constitution

5.1 A new Constitution for the People's Republic of Bangladesh came into effect on 16 December 1972. The 1972 Constitution based its fundamental principles on nationalism, socialism, democracy and secularism. The Constitution aims to establish a society free from exploitation in which the rule of law, fundamental human rights and freedoms, justice and equality are to be secured by all citizens. **[1a]**

5.2 All citizens are equal before the law and have a right to its protection. Arbitrary arrest or detention, discrimination based on race, age, sex, birth, caste or religion, and also forced labour are all prohibited under the Constitution. Subject to the law, public order and morality, every citizen has freedom of movement, assembly and association. The constitution also aims to guarantee freedom of conscience, speech, press and religious worship. **[1a]**

5.3 The Constitution was amended in 1977 to substitute Islam for secularism. A further amendment in 1988 established Islam as the state religion. In August 1991 the Jatiya Sangsad approved an amendment, ending sixteen years of presidential rule and restoring the prime minister as executive leader (under the previous system both the prime minister and the Council of Ministers were answerable to the president). Apart from the Ershad-imposed period of martial law from 24 March 1982 until 10 November 1986, the Constitution has remained in place. **[1a]**

Ctizenship and Nationality

5.4 The Bangladesh Citizenship (Temporary Provisions) Order 1972 introduced the citizenship laws after the country's independence. Article 2 of the Order stipulates that anyone who was born in territories now comprised in Bangladesh or whose father or grandfather was born in these territories and who was a permanent resident in these territories on the 25th March 1971, and continues to be resident, is deemed to be a Bangladeshi citizen. **[18a]**

According to Article 2A, a person to whom the above article applies but who is resident in the United Kingdom shall be deemed to continue to be permanent resident in Bangladesh. The Government may notify, in the official Gazette, any person or categories of persons to whom this Article shall not apply. **[18a]**

5.5 Any person who owes, affirms or acknowledges, expressly or by conduct, allegiance to a foreign state, or is notified under the provisions of Article 2A, does not qualify for Bangladeshi citizenship. **[18a]**

The Government may grant citizenship of Bangladesh to any person who is a citizen of any state in Europe, North America or Australia or any other state. **[18b]**

5.6 The Government will consider an application for citizenship from an applicant who is a foreign woman and married to a Bangladeshi citizen and has resided in Bangladesh

for 2 years, or from an applicant who has resided in Bangladesh for a period of 5 years. **[18b]**

POLITICAL SYSTEM

Government

5.7 Bangladesh is a parliamentary democracy, with broad powers exercised by the Prime Minister. There is an active political opposition, although violence is a pervasive feature of politics. **[2a]**
The role of the President, who is elected by the Jatiya Sangsad (Parliament) for a five-year term, is essentially that of a titular Head of State. The Prime Minister, who heads the Council of Ministers, holds executive power. The President appoints the Prime Minister, and, on the latter's recommendation, other ministers.

5.8 Jatiya Sangsad (Parliament) is a unicameral legislature. Members of the Jatiya Sangsad are directly elected on the basis of universal adult franchise from single territorial constituencies. Persons aged eighteen and over are entitled to vote. **[1a]** The Jatiya Sangsad (Parliament) comprises 300 members who are elected by universal suffrage from the designated constituencies. **[11d]**
Originally Article 65(3) of the Constitution provided for 15 reserved seats for female members of parliament for a 10-year period. The female members were elected by the elected MP's. In 1978, a Martial Law proclamation increased the number of reserved seats for females to 30 and extended the tenure of the seats to 15 years. A 1990 amendment further extended this provision for another 10 years, to the year 2000. With the dissolution of the 7th Jayiya Sangsad in 2001, the provision of reserved seats for female members of parliament came to an end. There are no reserved seats for the females in the present 8th Jatiya Sangsad. **[11d]**
Six female members of parliamenst , 2 BNP, 2 AL, 1 JP (E), sit in the current 8th Jatiya Sangsad but they were all elected directly from their constituencies. **[11d]**
The Jatiya Sangsad serves a five-year term, subject to dissolution. **[1a]**

5.9 The results of the general election of 1st October 2001 were as follows:

Bangladesh Nationalist Party (Conservative)	**191**
Awami League (Social Democratic)	**62**
Jamaat-e-Islami Bangladesh (Islamist)	**17**
Jatiya Party (Ershad) (Authoritarian)	**14**
Jatiya Party (Naziur)	**4**
Islami Oikya Jote (Islamist)	**2**
Jatiya Party (Manju)	**1**
Others	**7**
Women	**30**
Vacant	**2**

[16a]

The winning coalition consisted of the BNP, the Jamaat-e-Islami, the Jatiya Dal (Naziur) and the Islami Oikya Jote. **[1a]** The coalition government, includes two hard-line

Muslim parties – the Jamaat-e-Islami and the Islami Oika Jote. There appears to be little concern however of Bangladesh losing its secular Bengali identity. The Prime Minister Khaleda Zia's convincing majority means that she may not need to rely heavily on her alliance partners. **[20m]**

Supervision of Elections

5.10 Under a 1996 constitutional amendment, general parliamentary elections are presided over by a caretaker government, led by the most recently retired Chief Justice of the Supreme Court. An Election Commission supervises elections for the presidency and Jatiya Sangsad. The Commission also delimits constituencies and prepares electoral rolls. It consists of a Chief Election Commissioner and other commissioners, as appointed by the President. The Election Commission is independent in the exercise of its functions. **[1a]** Elections are held by secret ballot on the basis of universal suffrage. **[2a]**

5.11 The Bangladesh Election Commission announced in April 1999 that it would issue identity cards to all voters. The secretary of the Commission said that some 60 million eligible voters will be issued with identity cards in the next election, and that ID cards would also have to be produced to obtain passports, travel documents, driving licences and for buying or selling land. **[4h]**

5.12 Following the October 2001 general election the defeated Awami League boycotted parliament amid claims of massive vote rigging. The Chief Election Commissioner dismissed these claims as "baseless", with internal and international monitors also insisting that the polling was free and fair. **[20n]**

Judiciary

5.13 The Constitution provides for an independent judiciary; however, under a longstanding "temporary" provision of the Constitution, the lower courts remain part of the executive and are subject to its influence. **[2a]** The court system has two levels: the lower courts and the Supreme Court. Both hear civil and criminal cases. The lower courts consist of magistrates, who are part of the executive branch of government, and session and district judges who belong to the judicial branch. **[2a]**

The Supreme Court is divided into two Sections, the High Court and the Appellate Court. The High Court hears original cases and reviews cases from the lower courts. The Appellate Court has jurisdiction to hear appeals of judgements, decrees, orders or sentences of the High Court. Rulings of the Appellate Court are binding on all other courts. **[2a]**

Trials are public. The law provides the accused with the right to be represented by counsel, to review accusatory material, to call witnesses and to appeal against verdicts. **[2a]**

5.14 There have been attempts to separate the judiciary from the executive. In September 1996 the government established an "expert committee" within the law ministry to develop proposals to further separate the judiciary from the executive. **[3g]**

On 21 June 2001, the Supreme Court ordered the Government to implement, within 8 weeks, a 1997 High Court order that aimed to separate the judiciary from the executive, particularly those elements of it that did not require a constitutional amendment. On 5 August 2001, Ishtiaq Ahmed, the law advisor to the caretaker Government, announced

that the judiciary would be separated from the executive by promulgating an ordinance. **[2a]**

5.15 A major problem of the court system is the overwhelming backlog of cases, and trials are often marked by extended continuances while many accused persons remain in prison. These conditions and the corruption encountered in the judicial process, effectively prevent many persons from obtaining a fair trial or justice. **[2a]**
Under the Constitution all citizens are equal before the law and have a right to its protection. **[1a]** The High Court Division of the Supreme Court is responsible for enforcing the fundamental rights guaranteed by the Constitution, including the right to equality before the law. Thus, for enforcement of rights pertaining to human security under the Constitution, one has to go to the High Court. However, because of the high costs involved, the poor and the vulnerable sections of the society seldom access the legal process and ultimately the benefits of the fundamental rights conferred by the Constitution. **[8b]**

Informal Systems of Justice and Village Courts

5.16 According to a recent report by the United Nations Development Programme, about two-thirds of disputes do not enter the formal court process, instead they are either settled at a local level either by local leaders or a village court, or they remain unsettled. Local dispute-resolution mechanisms cover both civil and criminal cases.
The Salish (or informal) local mediation councils provide a traditional alternative to dispute resolution and comprise local leaders who either individually or in groups provide a forum for discussion and dispute resolution.**[8b]** The officials of village courts are usually the chairman and members of Union Parishad or the Local Government, who are powerful members of local community. This study shows that the village courts can be open to outside influences. The main sources of influence are local political leaders, community leaders, wealthy people and other influential individuals in the village. **[8b]**
Women and the poor particularly favour this system because they feel comfortable about easy access to the resolution process. **[8b]**

Fatwas

5.17 Muslim clerics (including unqualified religious men) often issue Islamic edicts (or fatwas) on family disputes, whereby punishments vary from public naming and shaming to physical mutilation, flogging, stoning, shaving of heads. **[20h][7g]** Only those Muftis (religious scholars) who have expertise in Islamic law can issue fatwas. Fatwas commonly deal with marriage, divorce, or mete out punishments for perceived moral transgressions. Most fatwas are issued in rural areas and against women. **[7g]** However, in January 2001, the Bangladesh High Court declared fatwas to be illegal, and thus sought to end the extrajudicial enforcement of penalties by religious leaders. **[7g][2a]** This ruling resulted in weeks of violent public protests. Several weeks later, the Appellate Court stayed the High Court ruling. **[2a]**

Legal Rights / Detention

5.18 The Constitution states that each person arrested shall be informed of the grounds of detention, provided access to a lawyer of his/her choice, and brought before a magistrate within 24 hours, and freed unless the magistrate authorizes continued detention. **[2a]** However, the Constitution specifically allows preventive detention. In practice the authorities frequently violate these constitutional provisions, even in non-

preventive cases. In an April 1999 ruling, a two-judged High Court panel criticized the police force for rampant abuse of detention laws and powers. **[2a]**

Preventive Detention and its Legislative Framework

5.19 The Code of Criminal Procedure (CCP) of 1898, the Special Powers Act (SPA) of 1974, and the Public Safety Act (PSA) of 2000 constitute the legal framework that permits the police to enforce preventive detention. **[2a][7f]**

The Code of Criminal Procedure (CCP)

5.20 Section 107 of CCP permits preventive detention when the authorities deem there is strong likelihood of public disorder.

Section 54 of CCP authorizes any police officer to arrest "without an order from a magistrate or without a warrant…. any person ….concerned in any cognizable offence, or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been so concerned". Section 54 of the Code of Criminal Procedure lays down certain procedures to be observed once an arrest has been made. This includes that the accused must be produced before a magistrate within 24-hours, and that a magistrate must give prior permission if police want to hold a prisoner for longer. However, it is reported that despite these safeguards, Section 54 effectively allows the police to arrest anyone at any time for almost any reason, and is one of the most easily abused provisions in the Bangladesh legal system. **[3h]**

5.21 In the past, the Government has used Section 54 to harass and intimidate members of the political opposition and their families. Police sometimes detain opposition activists prior to and during general strikes without citing any legal authority, holding them until the event is over. **[2a]** As recently as September 2002, the police arrested hundreds of Awami League activists without an arrest warrant ahead of a general strike called by the Awami League. **[7d]**

The Special Powers Act (SPA)

5.22 The Special Powers Act (SPA) of 1974 gives the government sweeping powers to detain any person for an initial period of up to 30 days without a formal charge or specific complaint, to prevent him or her performing a 'prejudicial act'. **[3h]** A prejudicial act is broadly defined as "any act… likely to prejudice… the sovereignty and defence of the country, national security, public order or the economic or financial interests of the state". **[3h]** The present Government (BNP) has pledged to repeal the SPA but continues to detain people under this law. **[7e]** According to a UN report, the SPA is the most favoured legal instrument of the Executive to detain criminals as well as political opponents. **[8b]**

5.23 Although the SPA provides detainees with limited safeguards against prolonged detention and arbitrary arrest, in practice the grounds for detention are often very vague. **[3h]** The Government or the magistrate must inform the detainee of the grounds for detention within 15 days, and the Government must approve the grounds for detention within 30 days or release the detainee. **[2a]** In practice, the detainees sometimes are held for longer periods without the Government stating or approving the grounds for detention. **[2a]**

5.24 Under the SPA, detainees are allowed to consult with lawyers, although usually not until a charge is filed. Detainees may receive visitors. While in the past prominent prisoners were held incommunicado, there were no known cases during 2000. **[2a]** It was nonetheless claimed that the former government, instead of using the SPA, filed criminal cases against certain politicians in order to ensure that instead of spending time at party offices, they were spending time in court. **[12e]**

Public Safety Act (PSA)

5.25 In response to a deteriorating law and order situation, Parliament passed the restrictive new Public Safety Act (PSA) in January 2000; the law became effective in February 2000. The PSA established special tribunals to hear cases under the act and made such offences non-bailable. **[2a]**

Opposition leaders expressed fears that the law would be used to arrest political opponents of the ruling party, as the law, like SPA, allows police to circumvent normal procedures designed to prevent arbitrary arrest. **[2a]**

Pre-trial Detention

5.26 The court system suffers from backlog of cases, which produces long pre-trial delays. According to one report, most prison inmates never have been convicted and are awaiting trial. Government sources report that the period between detention and trial averages 6 months, but human rights groups have reported cases of pre-trial detention lasting several years. **[2a][8b]**

Bail

5.27 There is a system of bail for criminal offences. Bail is granted commonly for both violent and non-violent crimes. Some provisions in law preclude granting of bail. The Women and Children Repression Prevention Act, does not permit grant of bail to those individuals arrested under its provisions for the initial investigation period of up to 90 days. **[2a]**

Safe Custody

5.28 Prisons are used to provide "safe custody" for women and children under certain circumstances. Rape victims, child prostitutes, children or women victims of domestic violence, and witnesses to murder or other serious crime are among those who can be placed in safe custody. **[3h]** According to the US State Department report for 2001, as of July 1, 258 women and 97 children were in safe custody in Bangladesh. They share the facilities with prisoners who are imprisoned for criminal offences and women often find it difficult to obtain their release or access to family or lawyers. **[2a]**

Death Penalty

5.29 Bangladesh retains the death penalty. After more than three years, the Government resumed executions by hanging 2 men in February 2001. In April 2001, the High Court also upheld the death sentences of the 12 army officers, accused of killing Sheikh Mujibur Rahman and his family.**[7a]** On 9 July 2002, a district court convicted a man and sentenced him to death in absentia for killing a woman about three years ago. **[4k]**

Internal Security

5.30 The internal security establishment in Bangladesh consists of the police and four auxiliary forces: the paramilitary Bangladesh Rifles (BDR), the Armed Police, the Ansars and the Village Defence Party. However, it is the police and the two paramilitary forces, the BDR and Ansars, who are primarily responsible for maintaining law and order. **[3h]**
The police force is divided into gazetted and subordinate ranks, roughly analogous to commissioned and non-commissioned officers in the military. While the gazetted officers are relatively well-trained, well-paid and occupy important positions within the bureaucracy, the lower ranks are relatively poorly trained, poorly equipped, poorly paid and overworked. **[3h]**

5.31 The Police are accountable to the executive and are often reluctant to pursue investigations against persons affiliated with the ruling party. **[2a]**
Police strategies for keeping pace with rising crime have been mainly limited to increasing police manpower. In 1997-98, the police numbers had increased to the level of 93.073, from 58,999 in 1975-76. Recruitment of another 5000 personnel is in progress. Initiatives such as community-based reforms in a few areas of Dhaka, Mymensingh and Jamalpur towns have been introduced. **[8b]**

Prison Conditions

5.32 Prison conditions are extremely poor for most prisoners. According to one human rights organization 72 persons died in prison and police custody during 2001. **[2a]** Credible sources indicate that poor conditions were at least a contributing factor in many of these deaths. The Dhaka Central Jail reportedly houses over 9,775 prisoners in a facility designed for fewer than 3,000.**[2a]** In July 2001, large numbers of people were detained during a drive to recover unlawful weapons, forcing prisoners to have to take turns to lie down to sleep. **[7a]**
By law, juveniles are required to be detained separately from adults; however due to lack of facilities in many areas, in practice many are housed with adult prisoners. **[2a]**

5.33 The treatment of prisoners is not equal. There are three classes of cells: A, B, and C. Common criminals and low-level political workers are generally held in C cells which often have dirt floors, no furnishings and poor quality food. The use of restraining devices on prisoners in these cells is common. Conditions in A and B cells are markedly better - A cells are reserved for prominent prisoners. **[2a]**

5.34 In general the Government does not permit visits by independent human rights monitors. Government-appointed committees of prominent private citizens in each prison locality monitor prisons monthly, but do release their findings. District judges also visit prisons occasionally, but rarely disclose their findings. **[2a]**

Military Service

5.35 Conscription does not exist in Bangladesh. The 1952 Bangladesh Army Act does provide for the possible introduction of compulsory military service. There are no known legal provisions for conscientious objection.**[13c]** The voluntary recruitment age is 16 and there are indications that 3% of government armed forces are under 18. **[13g]**

Medical Services

5.36 The Government of Bangladesh has been operating a National Integrated Population and Health Programme (NIPHP), or Health and Population Sector Programme (HPSP) according to WHO **[17a]**, for the period 1998-2003, which targets the reform of the health service. **[13i]** The health policy is directed at improving equity and accessibility to the Essential Services Package (ESP). **[17a]** Since 1997, USAID has funded the National Integrated Population and Health Programme employing a network of technical assistance organizations and local NGO's to deliver Bangladesh Government's Essential Serivces Package. **[17b]**

5.37 A report on poverty in Bangladesh carried out by the Worldbank indicates that the poor receive deficient medical care from the public health service and that they are forced to turn to private doctors instead. Public hospitals charge high fees but do not provide the service. Many people reported that they had to buy an entry coupon to enter the hospitals. Furthermore, hospital attendants fail to offer the medicines that should be distributed free of charge. **[13h]**

5.38 Prior to 1957, there were no psychiatric services in Bangladesh. The first mental hospital opened in 1957. At present, mental health care is provided at the primary level by primary care physicians and health workers, at the secondary level by the district hospital, though only one hospital is equipped to provide the services and at tertiary level by teaching hospitals. For a list of the therapeutic drugs available in Bangladesh and their cost see the source material. **[17c]**

Education System

5.39 After the independence of 1971, the Bangladesh Constitution recognized the need for basic education as a fundamental human right. Provision of such education was thought to be a state responsibility and the state nationalized 36000 private schools. **[14a]**

5.40 The education system in Bangladesh comprises three branches. Bangla schools are the state schools where Bangla is the main medium of teaching. Alongside the national Bangla education system there are also the privately run English medium and the Religious schools. Students have the right to attend the English medium schools where all the subjects are taught in English except for the Bangal courses and religious subjects, which are taught in Bangla and Arabic. **[15a]** The religious branch, or the Madrasas, is organized by the Islamic communities and offers an alternative Islamic education in Arabic. **[14a]**

5.41 The government provides free schooling for children of both sexes for eight years. Primary education is compulsory and begins at six years of age and lasts for five years. According to the Education Watch 1999 report, the quality of the primary schools is still not satisfactory. **[14a]**
Secondary education begins at the age of eleven and lasts for seven years.
In 1990, an estimated 62% of children (66% of boys; 58% of girls) attended primary school, while the enrolment ratio for secondary schools was 20% (26% of boys and 14% of girls). **[1b]**

5.42 In 1999, the indigenous people's association, representing the Santal minority, opened Bangladesh's first school teaching the national curriculum in the Santal language. **[1b]**

5.43 In 1987 a mass literacy programme was launched by the government, which aimed at reducing the rate of adult illiteracy to 40% by the year 2000. However, in 1995 UNESCO estimated that the rate of adult illiteracy was 65% (males 51.1 and females 73.8%). **[1b]**
There are 11 state universities, including an agriculture university, and one engineering and technology university. There is also an Islamic university. **[1b]**

6. HUMAN RIGHTS

6.A Human Rights Issues

Overview
6.1 The Government's human rights record remained poor in many significant areas. Police brutality, torture, extrajudicial killings, violation of human rights of women and children, arbitrary arrests and detention, and violence and discrimination against the ethnic and religious minorities persisted in 2001. **[2a]** Attacks on journalists and efforts to intimidate them by government officials and political party activists increased and both political parties, Awami League and the BNP, employed political violence. **[2a]** One Bangladeshi human rights activist has commented that the continued trend of torture, rape and death in custody of law enforcers is alarming and that a culture of impunity and political and administrative corruption put at risk the human rights of the citizens. **[6a]**

6.2 During her election campaign in September 2001, the Prime Minister Begum Khaleda Zia (BNP) announced her intention to establish the National Human Rights Commission, the Office of Ombudsman, and an independent and autonomous Anti-Corruption Commission. She also committed herself to scrapping unpopular laws such as the Public Safety Act 2000. **[6a]**

6.3 The Government generally permitted a wide variety of human rights groups to conduct their activities, but until February 2002 it had refused to register a local chapter of Amnesty International. **[2a]**

Police and the Abuse of Human Rights

6.4 The human rights observers have criticized the police force in Bangladesh for widespread corruption, lack of discipline, brutality, use of tortute, extra judicial killings and serious abuses of human rights. **[2a]**
According to the US State Department report, 2002, the police committed a number of extra judicial killings. During 2001, 44 persons died as a result of the use of lethal force by the police and 72 persons died in prison and police custody. **[2a]** The police often employ excessive and sometimes lethal force in dealing with opposition

demonstrators. There have been credible reports of police complicity in the trafficking of women and children. **[2a]**

Torture

6.5 According to Amnesty International, the use torture has been widespread under successive governments, with little effort undertaken to suppress the practice of it. Human Rights groups in Bangladesh attribute this to political corruption, illiteracy, underdevelopment and poverty. Political parties have shown little interest in the human rights violations of non-members. The poor are the least protected, while those with political connections to successive ruling parties have been the most protected. Some poor people have reportedly been tortured at the behest of landlords or local leaders in return for a bribe. Police at the instigation of politicians also reportedly torture political opponents. Victims, however, may be members of the same party as the instigator. Local political leaders are the most frequent victims. **[7f]**

In response to rising wave of crime and deteriorating law and order, on 17 October 2002, the Government of Bangladesh launched '"the Operation Clean Heart". As part of this operation, thousands of troops were deployed in all major cities, including Dhaka. **[20aa]** On 23 October 2002, Amnesty International reported that over 2000 people had been arrested and at least five people had died in custody. More than a dozen detainees had also been sent to hospitals with severe injuries reportedly caused by beatings while in army custody. **[7k]**

6.6 Amnesty International also claim that new laws to combat law and order problems have served to increase the number of torture victims. **[7f]** One such legislation is Section 54 of Bangladesh Code of Criminal Procedure (BCCP), which allows the police to arrest anyone without a warrant to and keep them in detention for 24 hours. Other legislation which in practice facilitates torture include the Special Powers Act of 1974, which provides for detention without charge of a prisoner for an indefinite period and the Public Safety (Special Provisions) Act 2000 which denies certain categories of prisoners the right to appeal for release for bail. **[7f]**

Politically-motivated detentions

6.7 According to human rights observers, the law enforcement agencies- the police - are frequently used for political purposes. **[6a]** According to Amnesty International, in September 2002, several hundred activists of the opposition Awami League were detained by the police under legislation, which allows arrest without warrant, ahead of a general strike by the Awami League. They were taken into police custody where they are often subjected to torture, including beatings and sleep deprivation. In one such case, the former state minister Dr Mohiuddin Khan Alamgir was detained on 15 march 2002 and was reportedly tortured in custody. Despite a High Court order for his release on bail, Dr Alamgir remained in detention. **[7d]**

Police Impunity

6.8 Most police abuses go unpunished and the resulting climate of impunity remains a serious obstacle to ending police abuse and extrajudicial killings.

In April 2002, the Government tried to stop the disclosure of information on detention and torture of Bahauddin Nasim, the private secretary to the opposition leader Sheikh Hasina, to the High Court. On 3 April 2002, the High Court ordered the

Investigation Officer to disclose on whose authority and where Bahauddin Nasim had been detained and tortured. On 8 April 2002, the Appellate Division of the Supreme Court in response to an appeal from the Government issued a "stay order", which prevented the police authorities from carrying out the High Court directive until 22 April 2002 and also prevented a new medical board to examine the victim. Amnesty International has criticized the Bangladesh Government for its attempt to stop further investigation into the alleged torture, which reinforces a climate of impunity. **[7c]**

6.9 However, in some cases the authorities took action against the police. **[2a]** In May 2001, the High Court confirmed the death sentence of three policemen convicted of rape and killing of a 14-year-old girl in 1995. In March 1999, four policemen were charged with manslaughter after a body was found in the rooftop water tank of the Detective Branch in Dhaka. **[2a]**
According to the 2001 report by the Transparency International Bangladesh, bribery, abuse of power and intimidation are the main means of corruption by the police. **[4j]**

Safe Custody
6.10 There is a practice of placing women, juveniles and children in “safe custody” in jails or prisons under certain circumstances. Rape victims, child prostitutes, children fleeing abusive homes and witnesses to murder and other serious crimes (if their presence is necessary for a criminal investigation) are among those who can be placed in safe custody. Human rights groups claim that “safe custody” is a form of punishment, and that women are in prison with convicted prisoners and treated as if charged with or convicted of an offence. Human rights groups also argue that there is no basis in law for “safe custody” and for several years activists have been trying to have the practice abolished. **[3h]**

Rape in Custody
6.11 Rape of female detainees in prison or other official custody has been a problem. There were nonetheless no reports of this during 2001, although it is unclear whether the situation has improved after public condemnation or whether rapes continue and are not being reported. Police sometimes rape women who are not in custody. During the first 6 months of 2001, one human rights organization documented 8 such cases. **[2a]**

Freedom of Speech and the Media

6.12 The Constitution provides for the freedom of speech, expression, and the press, subject to "reasonable restrictions" in the interest of security, friendly relations with foreign states, public order, decency and morality. However, there have been numerous examples of the Government limiting these rights in practice. **[2a]**

6.13 On 13 March 2002, two members of staff of the non-governmental organization, Proshika (A Centre for Human Development), were detained, under the provisions of the Special Powers Act, on allegations that they had been in possession of "documents" relating to attacks against members of the Hindu minority in Bangladesh. Amnesty International has expressed concern about Bangladeshi government's observance of its obligations under international human rights law to ensure the right to freedom of expression. **[7e]**

6.14 The press, numbering hundreds of daily and weekly publications, is a forum for a wide range of views. Newspaper ownership and content are not subject to direct government restriction, however, if the government chooses, it can influence journalists. **[2a]** There are indications that journalists are increasingly attacked and intimated. They are reportedly targetted and are victimized by vested interests. Journalists are targeted by the criminal gangs, and sometimes even by the police either acting on their own volition or on behalf of the people in power. The libel law is also used as a weapon against them. **[4p]**

6.15 On 22 November 2001, the leading journalist and writer Shahriar Kabir was detained and later charged with treason for his film documenting the attacks on the Hindu community that followed the election of October 2001. Human rights groups condemned his arrest as a move to curtail the journalist's right to free speech. **[20j]**
In July 2002, a journalist was severely beaten, in Lalmonirhat, allegedly by a group of ruling party activists who were enraged by his reports of their misdeeds. **[4q]** The Bangladesh Society for Enforcement of Human Rights (BSEHR) expressed concerns, in July 2002, over the torture of three journalists in Khulna. **[4p]**

6.16 In August 2002, Bangladesh's only independent terrestrial broadcaster Ekushey television (ETV) went off the air after losing a legal battle over its broadcasting rights. ETV's licence was withdrawn after the ruling Bangladesh Nationalist Party and its Islamist allies complained that its programmes were biased against them and sympathized with the opposition Awami League. **[20w]**

6.17 The Government and the militant Islamists also have targeted authors, playwrights and theatre producers. In August 2002, the authorities in Bangladesh banned "Wild Wind", the latest novel by the exiled feminist writer Taslima Nasreen, for its alleged anti-Islamic contents. Sale and distribution of its copies were announced to be illegal. **[20x]**
In October 2002, she was sentenced to one year in prison by a magistrate's court. **[20z]**
In September 2002, hundreds of militant Islamists protested against the theatre production of a play by the Hindu playwright Sambit Saha, in Faridpur. Protesters objected to the portrayal of the Prophet Mohammad in the play. In the face of continued protest, police arrested Sambit Saha and five other people involved in its production. **[20y]**

Freedom of Religion

6.18 The Constitution establishes Islam as the state religion but also stipulates the right to practice the religion of one's choice. **[2a]** Freedom of religious worship is guaranteed under the Constitution. **[1b]** The Government respects this provision in practice. Religious organizations are not required to register with the Government, however, all NGO's, including religious organizations are required to register with the NGO Affairs Bureau. Approximately 88% of the population are Muslim. There are also Hindu, Christian, and Buddhist minorities. **[2a] [1b]**
The law permits various religions to establish places of worship, to train clergy, and to travel abroad for religious purposes. **[2a]**
The law permits the citizens to proselytize. However, strong resistance to conversion from Islam means that most missionary efforts by Christian groups are aimed at serving communities that have been Christian for several generations or longer. **[2a]**

Freedom of Association and Assembly

6.19 The Constitution provides for freedom of assembly, subject to restrictions in the interest of public order and public health, however, the Government frequently limits this right. **[2a]** The Criminal Procedure Code allows the Government to ban assemblies of more than four persons. The Government reportedly imposed such bans 4 times during the first months of the year (2001). **[2a]**
The Government sometimes uses bans to prohibit rallies for security reasons, but independent observers believe that such explanations usually are a pretext. **[2a]**

6.20 Successive governments have imposed restrictions on the activities of the political opposition. In March 2001, a Jamaat Party M. P., then in the political opposition, tried to hold a meeting at a local BNP office, but the police prevented him. **[2a]**
In September 2002, several hundred opposition Awami League activists were detained by the police without arrest warrants ahead of a general strike. Amnesty International condemned this Government action as the opportunistic use of criminal charges to detain political opponents.**[7d]**

Employment Rights

6.21 The Constitution provides for the right to join unions and - with Government approval, the right to form a union. 1.8 million of the 58 million strong work- force belong to unions, most of which are affiliated to political parties. Thirty percent workplace participation in the union is required for a union to obtain and maintain its registration. Would -be unionists technically are forbidden to engage in many activities prior to registration. Labour activists have protested that this requirement severely restricts workers' freedom to organize. **[2a]**
With the exception of workers in the railway, postal, and telephone departments, civil servants, police, and military personnel are forbidden to join unions because of the highly political nature of those unions. **[2a]**

6.22 The right to strike is not recognized specifically in the law, but strikes are a common form of workers' protest. In addition political opposition parties use general strikes *(hartals)* to pressure the Government to meet political demands. **[2a]**

6.23 The Essential Services Ordinance permits the Government to bar strikes for 3 months in any sector that it declares essential. During 2001, the Government applied this ban on strikes to the Power Development Board and the Dhaka Electric Supply Authority. The Government is also empowered to prohibit a strike or lockout at any time before or after the event and refer the dispute to the Labour Court. **[2a]**
Collective bargaining by workers is legal. The workers in the country's Export Processing Zone (EPZ) do not have the right to organize professional industry-based trade unions and the right to collective bargaining. The Government pledged in 2000 to apply all sections of the labour law to EPZ by January 2004. **[2a]**

6.24 There is no law that uniformly prohibits the employment of children, and child labour is a serious problem. According to a report by the International Labour Organization, in the field of labour legislation, the various minimum ages, fixed by different labour laws regarding the children's admission to work makes it difficult to implement and enforce the labour laws. The Employment of Children Act of 1938 set the minimum age at 15 years while the Shops and Establishment Act of 1965 set the

minimum age at 12 for admission to work. The Factories Act of 1965 set the minimum age at 14 for admission to work in factories. The Government of Bangladesh has adopted the 'Rawalpindi Resolution', which called for the abolition of hazardous child labour by the year 2000 and the end to all forms of child labour by the year 2010. **[13j]**
The Constitution prohibits forced or compulsory labour, including that performed by children, but the Government does not enforce this prohibition effectively. **[2a]**

People Trafficking

6.25 The law prohibits trafficking in persons but there is extensive trafficking in both women and children, primarily to India, Pakistan and destinations within the country, mainly for the purpose of prostitution and labour servitude. Some children are trafficked to the Middle East to be used as camel jockeys. The exact number of trafficked women and children is not known but human rights monitors estimate that more than 20,000 women and children are trafficked from the country annually. **[2a]**
Trafficking in women for purposes of prostitution carries a sentence varying from 10 years in prison to the death penalty. Trafficking in children for immoral or illegal purposes carries the death penalty or life imprisonment. **[2a]**

Freedom of Movement

6.26 Citizens are generally able to move freely within the country and to travel abroad, to emigrate, and to repatriate. However, successive Governments have at times restricted the freedom of movement of some of their political opponents. The Government seized the passport of Jatyia Party leader H.M. Ershad in June 2000, accusing him of planning a conspiracy to overthrow the Government while he was out of the country. The BNP Government authorities confiscated opposition Awami League leader Tofail Ahmed's passport on 22 October 2001. The apparent reason for this action was to prevent Ahmed from fleeing the country while the newly elected government was preparing to file corruption charges against him. However, following the High Court ruling, the Special Branch police officers returned Ahmed's passport to him. **[2a]**

6.B HUMAN RIGHTS - SPECIFIC GROUPS

Religious and Ethnic Minorities

6.27 Although the dominant ethnic-religious group in Bangladesh is Bengali-speaking and Muslim, there are also a number of ethnic minority and tribal groups with various religious beliefs. The religious minority groups comprise the Hindus, Christians, Buddhists and tribal religious beliefs such as Sangsarek, common among the Garo ethnic minority. **[14b][1b]**

6.28 Bangladesh has ratified the following international treaties:

(1) International Convention on the Elimination of All Forms of Racial Discrimination
(2) International Convention on the Suppression and Punishment of the Crime of Apartheid

[8a]

Hindus

6.29 Approximately 10 per cent of the population of Bangladesh are Hindu. **[2b]**
Hindus occupy many positions in public life. The Government has appointed some Hindus to senior civil service positions and some recent promotion lists from the Ministry of Establishment included 3 to 7 percent Hindus and other minorities. Hindus also dominate the teaching profession particularly at the high school and university levels. Muslims favour the Hindus in certain professions, for example, as doctors, lawyers and accountants. **[2b]**

6.30 The Bangladesh Hindu Bouddha Christian Oikya Parishad (BHBCUP) - or Bangladesh Hindu Buddhist and Christian Unity Council - are a non-political organization founded in 1988 and are based in UK. BHBCUC is a human rights organization, which works for minority and religious rights in Bangladesh. The role of the group is to raise awareness on behalf of minorities, who often face job discrimination or discrimination on religious grounds. BHBCUC has many members in Bangladesh who attend its general meeting every year. **[3e]**

6.31 The Hindus have been involved in a long running dispute with the Bangladeshi Government in an effort to recover landholdings that they lost under the now-defunct Vested Property Act. The Act was a Pakistan-era law that allowed the state to expropriate "enemy" (in practice Hindu) lands. Approximately 2.5 million acres of land was seized from Hindus and almost all of the 10 million Hindus were affected. On 9 April 2001, Parliament passed the "vested Property Return Bill of 2001" that requires the Government to return all the land to the Hindus. **[2a]** This Act only applies to the original owners or their heirs who have remained citizens of Bangladesh and not to those Hindus who fled the country and resettled in India. It does not provide for compensation for or return of properties that the Government has sold. **[2b]**

6.32 Hindus have been increasingly targeted for attacks since the election of October 2001 **[3d]** and perceive that discrimination from the Muslim majority has increased. **[2b]** According to Amnesty International, the current wave of attacks against the Hindu community began before the general elections of 1 October 2001 when Hindus were reportedly threatened by members of the BNP-led alliance not to vote, since it was perceived their vote would be cast for the Awami League. Following the election victory by the BNP- led coalition, BNP supporters reportedly attacked Hindus because of their perceived support for the rival Awami League party during the elections. **[20o]** Reportedly, groups affiliated to the BNP-led coalition have driven hundreds of Hindu families off their lands, burnt their homes and raped Hindu women. **[7i] [7j] [3e]** Some Hindu places of worship have also been attacked, including one in Chandaikona Bazaar in Royganj. **[7i]**

6.33 The Canadian IRB has also reported on incidents of harassment or violence carried out by members of the governing coalition party Jamaat-e-Islami and its student wing Islami Chhatra Shibir (ICS) against the minorities, including Hindus. **[3d] [3i]** According to one report on 21 march 2002, members of Jamaat-e-Islami were increasingly involved in activities against Hindus. **[3i] "**A gang patronized by the Jamaat" were thought to have been responsible for death by shooting of Gopal Krishna Muhuri, a "leading secular humanist and the principal of Chittagong's Nazirhat College" because he refused to allow them and other political parties to practice student politics on the campus". **[3i]**

Ahmadis

6.34 The Amhadiya (also known as Qadianis) are viewed by mainstream Muslims as heretics for their divergent Islamic beliefs and in the past have been target of secterian attacks and harassment. **[2a][2b]** They believe that Mohammad was not the last prophet and that the founder of their sect, Hazrat Mirza Ghulam, was the messiah. Fewer than 100,000 Bangladeshis are thought to belong to the sect. **[20b]**

6.35 In October 1999 at least six people were killed and twelve injured in a bomb attack on a mosque used exclusively by Ahmadis in the southern town of Khulna. The case remained unresolved at the end of 2001. Earlier in 1999 an Ahmadi mosque was torn down in Kushtia, also in the south. Several houses were also burned. **[20b]** Ahmadi leaders report that their mosque remains under the control of the local police and that the Ahmadiya are prevented from worshipping there. **[2b]**

Christians

6.36 In the 1990's, there were approximately 600,000 Christians, mainly Roman Catholic, in Bangladesh. **[15c]** In June 2001, in Baniachar, Gopalganj district, a bomb exploded inside a Catholic Church during Sunday Mass, killing 10 persons and injuring 20 others. A judicial commission was set up in December 2001 to investigate the bombing. The commission comprised three members, including a retired Supreme Court justice and two high ranking government officials. The commission's report on the bombing has not yet been released. **[2b]**

Buddhists

6.37 According to the 1981 census, there were approximately 600,000 Buddhists in Bangladesh. **[15c]** CIPU has found no reports of any overtly sectarian violence against the Buddhist community in Bangladesh.

On 21 April 2002, the Buddhist monk Gyanajyoti Mohasthobir, who was in charge of the Raozan Hingula Puncha orphanage in Chittagong, was killed. The Buddhists have alleged that the Government has failed to protect the minority community and that "the go-slow activities of the law enforcing agencies have disgraced the Buddhist community". Despite a directive by the Home Minister, the department dealing with the case had failed to take action by July 2002. **[4r]** Media reports have suggested that his killing was related to land dispute. **[2b]**

Biharis

6.38 Biharis or the stranded Pakistanis are the non-Bengali Muslims who emigrated to what was formerly East Pakistan during the 1947 partition of British-ruled India. **[2a]** Although they are generally known as Biharis (from the Indian State of Bihar), many also came from other Indian States. **[12c]** Biharis are Urdu speakers. **[13a]** Most supported Pakistan during Bangladesh's 1971 war of independence, and later declined to accept Bangladeshi citizenship and asked to be repatriated to Pakistan. **[2a]** Indifference on the part of successive governments of Bangladesh and Pakistan on the issue of repatriation has served to increase the plight of the 'stranded' Biharis ever since Bangladesh's independence. **[12c]**

6.39 Until 16 December 1971 the non-Bengali citizens had been Pakistani citizens. Many with the means to do so left for what is now Pakistan through illegal smuggling

chains. The process of repatriation began in 1973 when Z.A. Bhutto was the Pakistan Prime Minister. A three-point criterion was established to determine eligibility, which included those domiciled in West Pakistan, federal government employees and members of divided families. **[21a]** Pakistan allowed more than 120,000 Biharis to move to Pakistan in 1973, **[13a]** and by 1982 the number of officially repatriated Biharis had reached 169,000. Financial constraints nonetheless hindered the repatriation process. This was not the only factor obstructing the Biharis' repatriation to Pakistan. Opposition came from the Pakistani nationalist Sindhis and also from a section of the Punjabis. The fear is that with the arrival of Biharis the demographic imbalance of the Sindh province will further increase, with similar views coming from the Punjab. **[21a]**

6.40 In September 1991 Pakistan did agree to initiate a process of repatriation and rehabilitation of 250,000 Biharis. Some refugees travelled to Pakistan from Bangladesh in January 1993, **[1a]** but this amounted to only 325 families before fund constraints suspended the process. **[12c]** In 1995 newspaper reports had indicated that Pakistan no longer intended to accept the Biharis. However in June of that year the embassy of Pakistan in Washington advised the US Committee for Refugees that those reports were untrue. **[13a]**

6.41 The status of the Biharis remains unresolved. **[3f]** International law principles suggest that they are bona fide citizens of Pakistan. **[21a]** They can apply for Bangladeshi citizenship, **[3f]** although Bangladesh has no legal obligation to grant them citizenship and permanent local integration. **[13b]** Former Prime Minister Sheikh Hasina stated during her administration that inhabitants of the camps were Pakistani nationals and believed that Pakistan should take responsibility for them. Her government did not appear to be prepared to give them any further opportunity to choose their citizenship status, having been given more than one opportunity to do so. **[21a]**

6.42 According to the 2000 US State Department report, approximately 300,000 Bihari Muslims still live in various camps around the country. **[2a]** The SPGRD (Stranded Pakistanis General Repatriation Committee) estimate the total number to be 500,000. With current growth rates, there are reports that the Bihari population could reach one million within the next ten years. **[12c]**

6.43 Most Bihari children do not attend school and some send their children out to work to help the family survive. Sending children to schools outside the camps is prohibitively expensive for most Biharis. Although some camps have schools, families must pay teacher salaries and buy all school material. Living conditions in the camps are very poor, although they are not restricted to the camps. Some have moved out and are living and working alongside local people, although some regard them as foreigners and do not want them living among Bangladeshis. **[13b]**

6.44 Since Bangladesh's independence the Biharis have remained in what were supposed to be temporary camps. An entire generation has known of no other existence than in the camps. They are not technically refugees in the sense that they have not been persecuted nor do they have any reason to fear persecution, although those without citizenship do not enjoy the privileges and benefits associated with Bangladeshi citizenship. Biharis nonetheless still face many of the problems that

refugees would, therefore the U.S. Committee for Refugees includes them in populations they consider to be in “refugee-like circumstances”. **[13b]**

6.45 Biharis are now becoming more concerned with how they live rather than where they live. A more pragmatic attitude appears to be developing regarding repatriation to Pakistan, with Bihari groups advocating integration becoming more active. Many are now saying that they do not want to move to Pakistan but to live normal lives in Bangladesh, the only home they have ever known. **[13b]**

The Tribals of the Chittagong Hill Tracts

6.46 The main tribal groups living in the Chittagong Hill Tracts (CHT), the mountainous region in the east of the country, are the Chakmas, Moghs, Tripuras and Mrus. Members of these tribes identify with the Burmese people and the majority are Buddhists. **[3a]**

6.47 Until 1985 the government regularly allotted land in the CHT to Bengali settlers, leading to the displacement of many tribal groups. Bengali inhabitants in the CHT subsequently increased from 3 percent of the region's population in 1947 to approximately 50 percent (1 million) in 1997. The Shanti-Bahini (a tribal group) claimed to be the military and political organization that represented the tribal interests and had waged a low-level conflict in the CHT from the early 1970s until the signing of the peace agreement with the government in December 1997. During the periods of violence, all those involved (indigenous tribes, settlers and the security forces) accused each other of human rights violations. **[2a]**

6.48 On 2 December 1997, the Prime Minister Sheikh Hasina (AW League) signed the peace accord with the Parbatya Chattagram Janasanghati Samity (PCJSS) - the political wing of the Shanti Bahini. **[4c]** On 6 February 1998 the (AL) government declared a general amnesty for all armed rebels in the CHT. Under its terms, no charges were to be filed against individuals who had previously been active in the Shanti Bahini or its political wing. **[5a]** On 10 February 1998 the Shanti Bahini formally surrendered their arms to the government, marking an end to the 25-year insurgency. **[4e]** The Jatiya Sangsad passed four bills relating to the peace agreement in May 1998. The bills however attracted considerable criticism from the BNP (in opposition at the time) and other opposition parties, which condemned the peace treaty as unconstitutional and a threat to the country's territorial integrity. **[5d]**

6.49 The terms of the 1997 pact provided for a strong local government, consisting of mostly tribal representatives including the chairperson, reduction of the military presence in the CHT region and a substantial compensation package for displaced tribal families. Under the pact the Government also established a Land Commission to deal with land disputes between Bengalis and tribals. However, until July 2001 there was no legal basis for the Commission and, according to the Peace Accord, the Commission's verdict was to be final; appeal would not be possible. The tribal leaders have expressed disappointment in the lack of progress in providing assistance to tribals who left the area during the insurgency.**[2a]**

Chakmas

6.50 Chakmas are one of the main tribal groups living in the Chittagong Hill Tracts (CHT). **[3a]** The Chakmas fled from Bangladesh to India in 1986 to escape harassment by the Bangladeshi military and Muslim settlers in their native CHT region. **[13a]** In May 1992 the Bangladesh and Indian governments agreed a process of repatriation. However, the refugees (fearing persecution by the Bangladesh security forces) proved reluctant to move. **[1a]**

6.51 Following negotiations between the Indian and Bangladesh governments and the Chakma refugees in early 1994, the process of repatriation commenced in mid-February. By August 1994, only 2000 refugees had returned. **[1a]** Although there was no organized Chakma repatriation during 1996, nearly 3,000 Chakmas repatriated on their own initiative according to the Bangladesh government. The (AL) government said that it provided the returnees cash grants for shelter construction, food and agricultural loans. **[13a]**

6.52 The 1997 peace agreement between the Government of Bangladesh and the political wing of the Shanti Bahini ended the insurgency in the Chittagong Hill Tracts and accelerated the process of repatriation of the remaining refugees from Tripura refugee camp. According to official Indian sources, by the end of 2000 most of the Chakmas refugees had been repatriated. However, fresh riots in Chittagong, in June 2001, and accession of the new BNP Government in October 2001 caused a fresh flow of refugees. **[1a]**

Rohingyas

6.53 Approximately 251,000 Rohingya refugees crossed into southeastern Bangladesh in late 1991 and 1992. Fleeing repression, they are the Muslims from the northern Burmese State of Arakan. Since 1992 approximately 232,000 Rohingyas have been repatriated voluntarily to Burma. Nearly 22,700 have left the camps and live among the local citizens. After blocking further repatriation in August 1997, Burma allowed repatriation to resume in November 1998, but at such a slow rate that births in the camps outnumbered repatriations. In April 1999 the UNHCR urged the former (AL) Government to allow any refugees who could not return to Burma to be allowed to work in the country, benefit from local medical programs and send their children to local schools. The (AL) government refused these requests, insisting that all Rohingya refugees must remain in the camps until their return to Burma. There are reports of violence by refugee camp officials against Rohingyas. Despite senior level interaction with the Burmese government, Bangladesh remains unable to accelerate the rate of repatriation. **[2a]**

6.54 Today approximately 21,000 refugees remain in Bangladesh. **[13k]** Of the original 20 refugee camps that were constructed in 1992 in south-western Bangladesh, only two remain: Nayapara camp near Teknaf and Kutupalong camp near Ukhia, giving shelter to 21,621 refugees. Kutupalong camp officially houses 8,216 refugees, and Nayapara 13,405, as of December 2001. **[13l]**

6.55 Medecins San Frontieres (MSF) has studied the humanitarian situation in the two remaining camps and produced a report in March 2002. According to MSF, the camp residents experience food shortages and for 10 years running, the majority of the Rohingya refugees have been malnourished. The camps are closed and the

residents rely solely on food supplies by the World Food Programme (WFP). Today, 58 per cent of the refugee children and 53 per cent of the adults are chronically malnourished. Food shortages are due to a combination of circumstances. Breaks in the WFP supply line, problems in methods of local distribution of food by the Bangladeshi Red Crescent Society (BDRCS), and insufficient rations are identified as the main causes of problem of malnutrition. **[13l]**

6.56 Despite the nutritional setbacks, the overall health status of the refugees is stable. The remaining health problems are attributed to overcrowding and substandard living conditions inside the camps. MSF and the Irish NGO, Concern, offer medical, health education and supplementary nutritional services in Nayapara and Kutupalong camps respectively. The target population for both NGO's is children under 10 years of age, pregnant women and lactating women. The Bangladesh Ministry of Health provides health care for the remaining refugee population. **[13l]**

6.57 Since arriving in Bangladesh in 1992, the Rohingya refugees have been confined to the camps. Their freedom of movement is restricted, officially prohibiting them from seeking employment, or other activities, outside the camps. However, in reality, a minority of refugees does engage in outside work. **[13l]**
For the first 5 years, refugee children did not receive any formal education. From mid-1996 the Government of Bangladesh allowed formal schooling in some camps. In Nayapara, children started receiving education from January 2000. The educational levels provided are kindergarten to class five. Casual adolescent and adult learner courses have also been started. **[13l]**

Women

6.58 Under the 1972 Constitution women are guaranteed fundamental rights, and any form of discrimination on the basis of sex is forbidden. **[3b]**
The legislative framework for protection of the rights of women includes the following Acts, but enforcement of these laws is weak, especially in rural areas **[2a]**:

(1) Child Marriage Restraint Act 1929 - This raised the minimum age of marriage from 16 to 18 years for females. **[3b]**
(2) Dowry Prohibition Act 1980 (amended 1982) - This Act makes the giving, taking or demanding of a dowry an offence punishable by fine, imprisonment of up to one year or both. **[2a]**
(3) Cruelty to Women (Deterrent Punishment) Act 1983 **[2a]**
(4) Family Court Ordinance 1985 (amended 1984) - This Act set up a system of family courts at the county (*upazila)* level, providing for the legal redress of cases involving marriage, divorce, dowry and the maintenance, custody and guardianship of children. **[3b]**
(5) Women and Children Repression Prevention Act 1995 **[2a]**

6.59 Women remain mostly in a subordinate position in society and their basic freedoms have not been effectively protected. Literacy rates are approximately 29 percent for women compared with 52 percent for men. In recent years female school enrolment has nonetheless improved. Women are often ignorant of their

rights because of continued high illiteracy rates, unequal education opportunities, strong social stigmas and a lack of economic means to obtain legal assistance. Women are thus frequently kept from seeking redress in the courts. **[2a]**

6.60 In rural areas vigilantism against women for perceived moral transgressions reportedly occurs and may include humiliating and painful punishments. **[2a]**
Violence against women is difficult to quantify because of unreliable statistics, although recent reports have indicated that domestic violence is widespread. **[2a]** A report released by the UN Population Fund in September 2000 asserted that 47 percent of adult women reported physical abuse by their male partner **[2a]**
One report also suggested that nearly fifty percent of murder cases against women were related to marital violence or the inability to either meet dowry demands or accept polygamous men. **[21b]** In 2001, there were 126 dowry-related killings. **[2a]**

6.61 According to a human rights organization, there are seven government-run and thirteen privately run large shelter homes available for use by women who are victims of violence. Some smaller homes are also available to victims of violence, although these are insufficient to meet victims' shelter needs. As a result women who file rape complaints have been held in "safe custody". **[2a]**

Rape
6.62 The law prohibits rape and physical spousal abuse, but it makes no specific provision for spousal rape as a crime. 622 women and girls were reportedly raped during 2001. **[2a]** Prosecution of rapists is uneven. While some rapists receive sentences of "life imprisonment", other cases are settled by village arbitration councils, which do not have the authority to prosecute criminals and therefore issue only a fine. Many rapes go unreported. **[2a]**

Acid Attacks
6.63 Numerous women have had acid thrown in their faces and suffered subsequent disfigurement. Latest figures released by the Acid Survivors' Foundation show that there were 338 acid attacks in Bangladesh in 2001, which represents a 50% rise compared to 2000, most of which are carried out against women.**[20p]** The most common motivation for acid throwing attacks against women is revenge by a rejected suitor; land disputes are another leading cause. Few perpetrators of the acid attacks are prosecuted. Often the perpetrator flings the acid in through an open window during the night, making cases difficult to prove. Of approximately 750 reported assaults with acid since 1998, 25 perpetrators have been found guilty. Of the 25 guilty verdicts, 9 perpetrators were sentenced to death.**[2a]** The new government (BNP) seems determined to do address the problem. It has introduced laws in the parliament that make some acid attacks a capital offence, and has set up special courts which must prosecute all suspected acid throwers within 90 days of charges being framed. It has also introduced new laws to restrict the sale of acid. **[20p]** Those who sell acid are now fined and imprisoned. **[20q]**

Trafficking
6.64 There is extensive trafficking in both women and children, primarily to India, Pakistan and destinations within the country, mainly for the purpose of prostitution and also labour servitude. The exact number of trafficked women and children is not known

but human rights monitors estimate that more than 20,000 women and children are trafficked from the country annually. **[2a]**
The Bangladesh National Women Lawyer's Association (BNWLA) conducts awareness programs and provides legal advice to victims of trafficking as well as initiating legal action against perpetrators. The BNWLA also runs a shelter home for trafficked women and children that provides health care, counselling, and training. **[2a]**

6.65 In January 2000 Parliament passed a law to address torture, mutilation and the sale of women and children. Stiff penalties were introduced for offences such as the use of flammable chemicals, rape, murder, trafficking and kidnapping. The worst crimes were made punishable by death. This was in response to reports that women were often tortured to death for their dowries, or by jealous husbands. **[19b]**

6.66 The Government of Bangladesh has been significant efforts to eliminate trafficking. It has arrested, prosecuted, and handed down heavy sentences to some traffickers. However, the court system is backlogged by approximately one million other cases and this is severely hampering the ability to bring the criminal cases to closure quickly. **[6c]**

Children

6.67 Although the Government of Bangladesh has begun to make significant progress in improving health, nutrition and education of children, there remain serious problems. More than half of all children is chronically malnourished. Child labour, child prostitution and trafficking persist. **[2a]**

Child Labour

6.68 Because of widespread poverty many children are compelled to work at a very young age. This frequently results in the abuse of children, mainly through mistreatment by employers during domestic service whereby children may work in conditions that resemble servitude and prostitution. This abuse occurs commonly at all levels of society throughout the country. **[2a]**
Thousands of children are allegedly employed by the garment industry, a major foreign currency earner. Young boys are also employed in areas such as brick fields, jute mills, motor garages, chemical industries, textile plants, tea plantations and construction. The service industry also employs them as porters, shoe shining boys and hotel and restaurant employees. Many are separated from their families and some, having escaped such an existence, have relayed accounts of torture by employees. Indifference to the plight of child employees has been attributed to connections between employers and local politicians and officials. **[12a]** In 1999, the former (AL) government stated that it was attempting to eliminate child labour (defined as those under-eighteen years) by 2005 **[19c]** but according the US State Department Report for 2001, child labour remains a serious problem. **[2a]** Legislation introduced in January 2000 introduced stiff penalties for the amputation of children's limbs in order to make them more effective beggars. **[19b]**

Child Prostitution

6.69 UNICEF has estimated that there are about 10,000 child prostitutes in the country. Other estimates have been as high as 29,000. Prostitution is legal, but only for those over eighteen years of age and with government certification. This minimum age requirement is commonly however ignored by authorities and easily

circumvented by false statements of age. The law stipulates a maximum sentence of life imprisonment for persons found guilty of forcing a child into prostitution. Procurers of minors are nonetheless rarely prosecuted and large numbers of child prostitutes work in brothels. There have also been credible reports that police facilitated or were involved in the trafficking of women and children. **[2a]** According to Amnesty International, police have taken young girls into custody on the grounds of "suspicious behaviour" - permitted under Section 54 of the Code of Criminal Procedure. Amnesty also reported that detainees had been gang raped. **[7h]**

Child Welfare Institutions

6.70 Bangladesh is a signatory to the UN Convention on the Rights of the Child and the state is thus obliged to ensure proper care, protection, mental and physical treatment of children and regular review of treatment for the child victims of armed conflict, torture, neglect, maltreatment or exploitation. **[13f]**

6.71 According to the research carried out by the Bangladeshi human rights group Odhikar in 2001, the Ministry of Social Welfare has a major programme of Child Welfare and Child Development in order to provide access to food, shelter, basic educational services and other basic opportunities for children in need. **[6b]**

As part of this development programme, there are 73 state orphanages with a capacity for 9,500 children, three baby homes for abandoned children with a capacity of 250, and one Destitute Children's Rehabilitation Centre for 400 children. There is one Vocational Training Centre for Orphans and Destitute Children with a capacity for 100 children as well as sixty-five Welfare and Rehabilitation Programmes for children with disability with a capacity for 1400 children. **[6b]**

Government-run Orphanages

6.72 There are 73 state-run orphanages in Bangladesh, which are funded by government grants. **[6b]**

The research carried out by Odhikar indicates that in many government-run orphanages children are deprived of the government grant allocation. Some orphanages hardly receive any funds at all. Some orphanages in Barisal did not receive any funds for one and a half years and many children fled the institution to escape starvation. Those who stayed behind had to grow vegetables in the adjacent fields to feed themselves. In some orphanages, there are also reports of shortages of basic amenities such as beds, blankets, electricity and insufficient or poor quality food. **[6b]**

6.73 The Odhikar report attributes the shortages of funds and material in government-run orphanages mainly to administrative corruption and mismanagement and misappropriation of funds. The Superintendents in charge of these institutions and the teachers allegedly are absent from the orphanages for long periods and only occasionally pay visits. In Bhagyakul orphanage, one teacher visited the school only once or twice a month and her students had to be admitted into the local state primary school in the adjacent village. **[6b]**

Private Orphanages

6.74 There are also thousands of non-government or private orphanages that are partly funded by government grants, specifically grants from the Ministry of Social Welfare, and partly by charitable and philanthropist donations. According to one source, in

government-run orphanages expenditure per orphan is Taka 900 whereas in private orphanages only Taka 400 is spent on each child. **[15b]**

6.75 Odhikar inspected the Nawab Sir Salimullah Orphanage, which is one of the oldest private orphanages in Bangladesh and admits only Muslim girls and boys. The orphanage admits both girls and boys who are housed in separate dormitories. There is one dormitory for boys and two dormitories for girls. The age of admission is 6-9 years and the children can stay at the orphanage until they attain 18 years or they pass the Higher Secondary Certificate exam. **[6b]**

6.76 The school is within the orphanage is run by the orphanage authority and is co-educational to class five. Thereafter, boys and girls are educated in separate schools. The girl's school is totally run by the orphanage but the boys' school is a non-governmental school, which is within the orphanage premise but gets the government grant. **[6b]** The Odhikar report indicates that in this orphanage children suffer from poor diet, harsh punishments, and overcrowded dormitories. **[6b]**

6.77 There are also a number of orphanages that are funded and supported by overseas Christian groups. In 2001, the Christian Networks provided relief fund for a number of orphanages for boys and girls aged between 4 to 16 years. **[13d]**
The Mennonite Central Committee also provides support fund for four orphanages. **[13e]**

Correctional Institutions and Vagrant Homes
6.78 There are two correctional homes for juvenile offenders with a total capacity for 350 persons. Usually street children are detained in these homes. It is estimated that there are 4.5 million street children in Bangladesh who can be detained at any time, under section 54 of the Code of Criminal Procedure, and are subjected to various forms of institutional violence. Correctional institutions are used to detain those arrested on grounds of prevention under section 54 before *hartals* (strikes), or prior to the arrival of foreign dignitaries to the country, or on suspicion of terrorism, vagrancy, theft, hijacking or suspected pick-pocketing. **[6b]**
Street children are also detained in vagrant homes and are sometimes transferred to correctional homes. **[6b]**

Homosexuals

6.79 There is little evidence available on the subject of homosexuality in Bangladesh. The limited sources available indicate that homosexuality exists and that it may be culturally acceptable or tolerated. **[15e]** There is no agreement among the sources, consulted by CIPU, as to the legal status of homosexuality and its punishment. One source suggests that the penalty for homosexuality is severe and it is punishable by life imprisonment. **[15d]** A press report, however, indicates that there is no law on the statute books for dealing with homosexuals. **[15f]**

6.C OTHER ISSUES

Prosecution of 1975 Coup Leaders

6.80 The trial of those accused of involvement in Sheikh Mujibur Rahman's assassination (in August 1975) began in March 1997. In November 1998 a Dhaka court sentenced to death 15 of the 19 people accused of Mujib's assassinations, acquitting the others. Only four of those convicted were in custody in Bangladesh; the 11 others remained fugitives abroad. **[1a]**

6.81 A High Court judge upheld a lower court's sentence of the death penalty for 12 of the 15 former army officers convicted of assassinating Sheikh Mujibur Rahman. Three officers who were acquitted in a previous appeal ruling, Lieutenant Colonel Mohiuddin Ahmed, Captain Abdul Mazed and non-commissioned officer Risaldar Moslemuddin, were sentenced to death in this appeal, which commenced on 12 February 2001 as a result of a partially split verdict of an appeal in December 2000. **[3j]**

6.82 Three accused officers were acquitted in the 30 April 2001 ruling. They were Major Ahmed Shariful Hossain, Captain M. Kismat Hashim and Captain Namul Hossain Ansari. **[3j]** Hearing for the leave to appeal of the four convicted officers who are in jail has been pending since August 2001 and would not be held until the Appellate Division of the Supreme Court is restructured. **[3j][3k]** There are reports that the ruling BNP-led coalition is likely to view the officials who are charged with murdering Sheikh Mujibur Rahman more favourably. BNP has abolished the 15 August National Mourning Day and "old organizations patronized by the coup plotters of 1975" have begun to re-emerge and have demanded "the release of all convicted officials from jail". **[3k]**

6.83 Amnesty International has found no indication of bias or unfairness in the trials or appeals of the 15 former military officers accused and/or convicted of the assassinations of Sheikh Mujibur Rahman, including the ongoing appeals currently before the Supreme Court. **[3l]**
In 2000, a parliamentary committee was appointed to review all the millitary coups and counter coups since 1975, including the 1975 coup in which Sheikh Mujibur Rahman was killed. **[20e]**

Student Protests

6.84 Violence is endemic between the student political wings of the major national parties, and between rival factions within the parties. During the first several months of the year (2001), campus violence led to unscheduled closures of educational institutions in various locations, including Dhaka, Khulna, and Barisal. Violence caused disruption to academic activities at Rajshahi University, Shah Jalal University of Science and Technology in Sylhet, and Jahangirnagar University. **[2a]**

6.85 A clash between factions of the Awami League student wing, the Bangladesh Chhatra League (BCL) at Kabi Nazrul College in Dhaka left five persons injured. Authorities shut down Chittagong University after a gun battle between activists of BCL and the Islami Chhatra Shibir (ICS), the student wing of the Jamaat-e-Islami (a member of the four-party alliance), left 20 persons injured on 13 August (2001). On 11 August (2001), the ICS began enforcing an indefinite strike on campus to pressure university authorities to return dormitories to students ousted by BCL

activists during Awami League rule and to sweep the campus for illegal weapons. The BNP's student wing, Jatiyatabadi Chhatra Dal (JCD), made similar demands at several universities around the country. At Dhaka University, the JCD enforced a strike to demand the collection of weapons; however, police announced the schedule for the weapons sweep 1 day in advance, and the times of the sweeps appeared in all of the major newspapers on the morning of the sweep. When the authorities arrived at the dormitories for the sweep, the student activists had left. The police found only one broken revolver. **[2a]**

6.86 Political violence also erupted in the Dhaka University campus in July 2002. Student groups from rival political factions clashed over an initiative to remove a provost from one of the main halls of residence at Dhaka University. The unrest spread to the rest of the university and was followed by the arrest of 18 female students, culminating in police firing rounds of tear-gas and rubber-bullets. **[20r]** There was a second wave of student unrest in September. The Government closed the University of Engineering and Technology (Buet) after a week of violent demonstrations. This closure provoked calls for nationwide strikes and further violent confrontations between the students and the police in the streets of Dhaka. **[20u]**

ANNEX A

CHRONOLOGY OF MAJOR EVENTS [20i]

1947 - British colonial rule over India ends. A largely Muslim state comprising East and West Pakistan is established, either side of India. The two provinces are separated from each other by more than 1,500 km of Indian territory.

1949 - The Awami League is established to campaign for East Pakistan's autonomy from West Pakistan.

1970 - The Awami League, under Sheikh Mujibur Rahman, wins an overwhelming election victory in East Pakistan. The government in West Pakistan refuses to recognise the results, leading to rioting. Cyclone hits East Pakistan - up to 500,000 people are killed.

Independence

1971 - Sheikh Mujib and the Awami League proclaim the independence of the province of East Pakistan on 26th March. The new country is called Bangladesh. Just under 10 million Bangladeshis flee to India as troops from West Pakistan are defeated with Indian assistance.

1972 - Sheikh Mujib becomes Prime Minister. He begins a programme of nationalizing key industries in an attempt to improve living standards, but with little success.

1974 - Severe floods devastate much of the grain crop, leading to an estimated 28,000 deaths. A national state of emergency is declared as political unrest grows.

1975 - Sheikh Mujib becomes president of Bangladesh. The political situation worsens. He is assassinated in a military coup in August. Martial law is imposed.

1976 - The military ban trade unions.

1977 - General Zia Rahman assumes the presidency. Islam is adopted in the constitution.

1979 - Martial law is lifted following elections, which Zia's Bangladesh National Party (BNP) wins.

1981 - Zia is assassinated during abortive military coup. He is succeeded by Abdus Sattar.

The Ershad era

1982 - General Ershad assumes power in army coup. He suspends the constitution and political parties.

1983 - Ershad's proposal that all schools should teach Arabic and the Koran leads to demonstrations. Limited political activity is permitted. Ershad becomes president.

1986 - Parliamentary and presidential elections. Ershad elected to a five-year term. He lifts martial law and reinstates the constitution.

1987 - State of emergency declared after opposition demonstrations and strikes.

1988 - Islam becomes state religion. Floods cover up to three-quarters of the country. Tens of millions are made homeless.

1990 - Ershad steps down following mass protests.

1991 - Ershad convicted and jailed for corruption and illegal possession of weapons. Begum Khaleda Zia, widow of President Zia Rahman, becomes prime minister. Constitution is changed to render the position of president ceremonial. The prime minister now has primary executive power. Cyclonic tidal wave kills up to 138,000.

Awami League returns

1996 - Two sets of elections eventually see the Awami League win power, with Sheikh Hasina, the daughter of Sheikh Mujibur Rahman, becoming prime minister.

1997 - Ershad is released from prison. The opposition BNP begins campaign of strikes against the government.

1998 - Two-thirds of the country devastated by the worst floods ever. Fifteen former army officers sentenced to death for involvement in assassination of President Mujib in 1975.

2000 September - Sheikh Hasina criticizes military regimes in a UN speech, prompting Pakistani leader General Musharraf to cancel talks with her. Relations strained further by row over leaked Pakistani report on 1971 war of independence.

2000 December - Bangladesh expels Pakistani diplomat for comments on the 1971 war. The diplomat had put the number of dead at 26,000, whereas Bangladesh insist nearly three million were killed. Bangladesh wants Pakistan to apologize for alleged genocide that it says Pakistani forces were guilty of during the war.

2001 July - Sheikh Hasina steps down and hands power to caretaker government. She was the first prime minister in the country's history to complete a five- year term.

BNP Back in Power

2001 October – Following the most violent election campaign in the country's 30-year history, a BNP-led coalition won an overwhelming victory in the general election. Khaleda Zia once again became Prime Minister. **[20l]** More than 300 international monitors declared the poll to have been free and fair. **[1a][5f]**

2001 November - Law repealed which guaranteed lifelong security to former prime minister Sheikh Hasina and her sister Sheikh Rehana.
2002 March - Government introduces law making acid attacks punishable by death.

2002 April - Government approves temporary law that speeds up legal process for dealing with violent crime. Opposition says it will be used to stifle dissent and help establish a one-party state.

2002 June - President Chowdhury resigns after ruling Bangladesh Nationalist Party accuses him of taking an anti-party line.

The opposition Awami League ends its boycott of parliament and attends for the first time since losing the general election of October 2001.

2002 September - Iajuddin Ahmed, a retired professor from Dhaka University, was announced as the new president. **[20v]**

Annex B

POLITICAL ORGANIZATIONS AND OTHER GROUPS

Awami League

Founded 1949. Currently headed by Sheikh Hasina. Advocates socialist economy and secular state; pro-Indian. **[1a]**

Bangladesh Jatiyatabadi Dal (Bangladesh Nationalist Party)

Founded 1978 (by merger of groups supporting Ziaur Rahman). **[1a]** Led by current Prime Minister Khaleda Zia. **[20l]**

Democratic League

Founded 1976. Conservative. **[1a]**

Freedom Party

Founded in August 1987 by Said Faruq Rahman nad Khandakar Abdur Rashid, two of the leaders of the 1975 coup. It is described as right wing and Islamic. It was reportedly formed to oppose the Awami League. The daily publication *Millat,* edited by Chowdhury Mohammad Faruq, is reported to be a mouthpiece of the Freedom Party. It also has a youth wing called the Jubo Command. **[3m]**

Islami Oikya Jote (IOJ)

Radical Islamic. **[20f]** Small party believing in the strict enforcement of Sharia law. It is a member of the ruling coalition led by Khaleda Zia, elected October 2001. **[20m]**

Jamaat-e-Islami

Founded 1941 (Islamic fundamentalist). **[1a]** Opposed to Bangladesh's independence in the 1971 civil war with Pakistan. **[4s]** The leader of the party Motiur Rahman Nizam is accused of leading a group called Al Badr that allegedly tortured and executed those fighting against Pakistan in the 1971 war. **[20m]** The party was banned after independence but got its rights back after General Zia (the late husband of Prime Minister Khaleda Zia) allowed them and other fundamentalist parties to enter politics after the first AL led government of Bangladesh had banned them from politics. **[4s]** Did win an unexpected number of seats in the October 2001 election to form part of the ruling BNP-led coalition. **[20m]**

The party promotes the idea of turning Bangladesh into an Islamic republic. The party's conservative definition of Islam includes restrictions on the rights of women and minorities. They have gained support due to the fact that much of the electorate was

not even alive during the 1971 war, and because their rejection of Western values and tough line on law and order and corruption also appeals to some. **[20m]**

Jatiya Party (National Party)

Founded 1983 as Jana Dal; reorganized 1986, when the National Front (founded 1985) formally converted itself into a single pro-Ershad grouping. Advocates nationalism, democracy, Islamic ideals and progress. **[1a]** Linked with seven other smaller parties to agitate against the former (AL) government on 15 December 1998. Formed new anti-government alliance on 20 December 1998 with leaders of BNP and JI. **[5g]** On 30 December 1998 Anwar Hossain Manju, Communications Minister, was sacked from the Jatiya Party's presidium, from the post of its vice-chairman and the party's membership, for violating party discipline and making outrageous statements. **[4f]** Former Prime Minister Kazi Zafar Ahmed, who was expelled from the party on 5 June 1997 **[11f]** returned to the Jatiya Party. **[4i]** However in November 1999 he was sentenced in absentia to fifteen years imprisonment for embezzlement. **[19a]**
Gained 14 seats in the October 2001 general election although two other factions of the Jatiya Party also contested – the Jatiya Manju faction who gained one seat and the Jatiya Naziur faction who formed part of the BNP-led coalition. **[13c]**

Ghatak Dalal Nirmul Committee

The Ekatturer Ghatak Dalal Nirmul Committee was formed on 19 January 1992 by 101 prominent members of Bangladeshi society, including retired supreme court judges, professors, veterans of the independence war, artists and journalists. It is "pro-liberation" and "an anti-communal and anti-fundamentalism national-level organization". It has been working towards "trying the war criminals and establishing human rights, especially of women". The movement seeks to develop a democratic and secular society and has demanded a ban on religious-based and communal political parties. The present BNP-led coalition Government reportedly is not favourably disposed towards them. **[3n]**

STUDENT ORGANIZATIONS

Bangladesh Chhatra League-BCL (Sha-PA)

Affiliated to Awami League. **[11c]**

Gonotantrik Chhatra League

Affiliated to the Democratic League. **[11c]**

Islami Chhatra Shibir

Affiliated to Jamaat-e-Islami (Jamaat). **[11c]**

Jatiya Chhatra Samaj

Affiliated to Jatiya Party. **[11c]**

Jatiyatabadi Chhatra Dal (JCD)

Affiliated to Bangladesh Nationalist Party. **[11c]**

PROSCRIBED ORGANIZATIONS

Biplobi Communist Party (before 1971 known as the Communist Party of East Pakistan)

Maoist movement. Fought against both Pakistan army and Awami League during independence struggle. By mid-1970s largely suppressed by State; revived 1980s. **[11a]**

Purba Bangla Sarbohara Party ('East Bengalis Who Have Nothing')

Radical Maoist movement; emerged during lead-up to independence. Seeks communist revolution by violent means. Responsible for the assassination of police, officials and merchants. **[11a]**

Swadhin Bangabhumi Movement ('Free Land of Bengal')

Hindu separatist movement. Founded in Calcutta by former Awami League MP, who fled to India in August 1975. Seeks separate state in south-west Bangladesh (where there is a large Hindu minority). Responsible for attempted take-over of Bangladesh High Commission in Calcutta in 1984. **[11a]**

Shanti Bahini ('Peace Force')

Armed wing of the Parbattya Chattagram Jana Sanghati Samity (PCJSS), a tribal insurgency which operated in the Chittagong Hill Tracts. Founded in 1972 by two brothers, Shantu and Manobendra Larma. Stood for political independence for the Chittagong Hills Tracts, and drew support from Chakma tribes. **[11a]** However, following the Peace Accord of 2 December 1997, **[4c]** Shantu Larma reportedly declared an end to the Shanti Bahini. **[4e]** On 10 February 1998 the Shanti Bahini formally surrendered their arms to the government, marking an end to the 25-year insurgency. **[4e]** The group is now considered to have disbanded, having surrendered their arms and had criminal cases against them dropped as part of the Peace Accord. **[7b]**

ANNEX C

PROMINENT PEOPLE

Iajuddin Ahmed (2002)

Current president.

Motiur Rahman Nizami

Leader of the Jamaat-e-Islami. **[20m]**

ERSHAD, General Hossain Mohammed

Came to power following coup in March 1982; resigned December 1990. Joined Jatiya Party in 1986. **[1a]**

RAHMAN, Sheikh Mujibur (Mujib)

Bangladesh's first Prime Minister; assassinated August 1975. **[1a]**

RAHMAN, Ziaur (General Zia)

Assumed presidency April 1977; assassinated May 1981. **[1a]**

Sheikh Hasina

The leader of the opposition Awami League. Forme Awami League Prime Minister. **[1a]**

ZIA, Begum Khaleda

Current Prime Minister and leader of the Bangladesh Nationalist Party. **[20l]**

ANNEX D

References to Source Material

1. General Country Reference

[a] Europa World Year Book 2002, Volume I.

[b] Bangladesh, Europa Regional Surveys of the World, 2002, pp. 149-169.

[2] US State Department

[a] Bangladesh Country Report on Human Rights Practices for 2001.
Published 4 March 2002.

[b] Bangladesh, International Religious Freedom Report 2002, October 2002.

[3] Canadian Immigration and Refugee Board

[a] Bangladesh: Country Profile, June 1990

[b] Human Rights Brief: Women in Bangladesh, December 1993

[c] Bangladesh: Political Parties and Political Violence, May 1994

[d] REFINFO, BGD38716.E, 14 March 2002, Situation of Hindus following the 1 October 2001 election, particularly in the Moulvibazar district ; government response to violence against Hindus, (1 October 2001 - March 2002).

[e] REFINFO,), BGD37927.E, 5 April 2002, Information on the Bangladesh Hindu Buddhist Christian Unity Council: executive members, duties, function and role of the group and its relationship with the government (1999-2001).

[f] Bangladesh: Human Rights Situation, January 1997

[g] Bangladesh: Political Developments December 1996 – April 1998, May 1998

[h] Bangladesh: State Protection, September 1998.

[i] REFINFO, BGD38888.E, 9 May 2002, Incidents of harassment or violence carried out by members of the Jamaat-e-Islami and the Islami Chhatra shibir (ICS).

[j] REFINFO, BGD38467.E, 27 February 2002, Status of the appeals of the convicted assassins of former prime minister Sheikh Mujibur Rahman (2001-2002).

[k] REFINFO, BGD38380.E, 27 February 2002, Impact of the October 2001 election of a Bangladesh Nationalist Movement (BNP) government on the prosecution of those former military officers who were indicted, tried, convicted and sentenced to death for their involvement in the 15 August 1975 assassination of former Awami League prime minister Sheikh Mujibur Rahman.

[l] REFINFO, BGD38482.E, 27 February 2002, Amnesty International's current position regarding the fairness of the trial and appeals of the 15 former military officers accused and/or convicted of the assassination of former prime minister Sheikh Mujibur Rahman (1997-2002).

[m] REFINFO, BGD38471.E, 1 March 2002, The Freedom Party: origins, objectives and treatment of members (1995-2002).

[n] REFINFO, BGD37790.E, Ghatak Dalal Nirmul Committee; its existence in Dhaka, its structure; whether it is national; its aims and objectives; and how it is viewed by the authorities.

[4] Reuters News Service

[a] 30 August 1997, Reuters News Service, Bangladesh opposition storms out of

parliament.
[b] 30 November 1997, Reuters News Service, Bangladesh strikes end after sporadic violence.
[c] 2 December 1997, Reuters News Service, Bangladesh signs peace accord with rebels.
[d] 7 December 1997, Reuters News Service, Over 100 hurt in Bangladesh strike violence.
[e] 10 February 1998, Reuters News Service, Bangladesh Rebels end hill tracts insurgency.
[f] 30 December 1998, Reuters News Service, Bangladesh's "consensus" government suffers blow.
[g] 26 January 1999, Reuters News Service, Feminist writer leaves Bangladesh amid death threats.
[h] 15 April 1999, Reuters News Service, Bangladesh to issue identity cards to voters.
[i] 1 May 1999, the Independent (Bangladesh), BNP, JP to launch joint movement.
[j] 10 July 2002, the Independent Bangladesh, Top officials top corruption list.
[k] 9 July 2002, United News of Bangladesh, Bangladesh: Death penalty.
[l] 8 July 2002, Press Trust of India, AL walks out of parliament briefly soon after joining it.
[m] 9 July 2002, Press Trust of India, Ershad threatens street agitations against Bangla.
[n] 9 July 2002, the Independent (Bangladesh), Wage movement to unseat government.
[o] 11 July 2002, the Independent (Bangladesh), Hasina seeks JS debate on Badruddoza's departure.
[p] 9 July 2002, the Independent (Bangladesh), Attack on journalists.
[q] 9 July 2002, United News of Bangladesh, Journalist beaten.
[r] 9 July 2002, the Independent, Arrest of Monk killers demanded.
[s] 25 July 2000, the Hindu, Hasina declares war on Jamaat.

[5] Keesing's Record of World Events
[a] February 1998
[b] March 1998
[c] April 1998
[d] May 1998
[e] November 1998
[f] October 2001
[g] March 2002
[h] June 2002

[6] Human Rights Groups in Bangladesh
[a] The new government and a 'rights agenda' for action, By A. H. Monjurul Kabir, October 2001. Bangladesh Human Rights Networks**, (**www.banglarights.net**)**
[b] Women and Children in Disadvantaged Situations, a research project undertaken Odhikar, April 2001, (www.odhikar.org)
[c] Trafficking in Persons Report 2002: Country Bangladesh, Released by the U.S. Department, (www.banglarights.net), accessed 10/10/02.

7. Amnesty International

[a] Bangladesh Report 2002.
[b] Bangladesh: Human Rights in the Chittagong Hill Tracts, February 2000
[c] Bangladesh: Government seeks to stop disclosure of information on torture to the court, AI Index ASA 13/004/2002, 19 April 2002.
[d] Bangladesh: politically-motivated detention of opponents must stop, AI Index: ASA 13/012/2002, 6 September 2002.
[e] Bangladesh: Arrest of possible prisoners of conscience, AI Index ASA 13/005/2002, 15 March 2002.
[f] Bangladesh: Torture and impunity, ASA 13/007/2000, 29 November 2000.
[g] Bangladesh: Landmark High Court ruling against fatwas, AI Index ASA 13/001/2001, 5 January 2001.
[h] Bangladesh: Institutional failures protect alleged rapists, AI Index: ASA 13/04/97, July 1997.
[i]Bangladesh: Attack on members of the Hindu minority, AI Index: ASA 13/006/2001, December 2001.
[j] Bangladesh: Hindu minority must be protected.
[k] Bangladesh: Accountability needed in 'Operation Clean Heart', AI Index: ASA 13/015/2002, 23 October 2002.

[8] United Nations
[a]International Instruments: Chart of Ratifications as at 31 December 1996, June1997
[b] Human Security in Bangladesh, In Search of Justice and Dignity,
A report on behalf of the United Nations Development Programme, September 2002.

[9] Human Rights Watch

[10] Dawn: Pakistan English-Language Daily Online
[a] 8 January 2000, Was helping Pakistan army a sin?
[b] 21 September 2000, Bangladesh tops world in violence against women, says UN.
[c] 16 July 2001, 12 die as BD inducts caretaker government.

[11] UK Foreign and Commonwealth Office Advice
[a] 10 April 1992
[b] 9 February 1998
[c] June 1998
[d] 29 October 2002

[12] Dhaka Courier
[a] The Docile Slavery, 15 October 1999
[b] Public Safety Act - Unsafe Situation, 4 February 2000
[c] Neglecting the Bihari Time Bomb, 5 May 2000
[d] Politics, Mystery and Paradox, 11 August 2000.
[e] Politics and Human Rights, 15 December 2000

13. International Research Institutes and Miscellaneous Organizations
[a] US Committee for Refugees, World Refugee Survey, 1997

[b] United States Council for Refugees - Fifty Years in Exile: The Biharis Remain in India. (Source 1998 World Refugee Survey).
[c] War Resisters' International 1998, Bangladesh.
[d] Christian Networks Journal (www.christiannetworks.org), accessed 12/9/02.
[e] Menonite Central Committee, Bangladesh, (www.mcc.org)/globalfamily), accessed 12/9/02.
[f] The Child Rights Information Network (CRIN), Situation of Children in Bangladesh 1996, (www.crin.org), accessed 12/9/02.
[g] The Coalition to Stop the Use of Child Soldiers (www.child-soldiers.org), Bangladesh.
[h] The Worldbank, Voices of the Poor Reports, Bangladesh: Waves of Disaster. (www.woldbank.org/poverty/voices/reports), accessed 5/8/02 .
[i] University of Calgary, Canada, Bangladesh Health and Population Project. (www.ucalgary.ca) accessed 25/9/02.
[j] International Labour Organization, ILO-IPEC Programme in Bangladesh, (www.ilo.org) accessed 26/9/02.
[k] Medecins Sans Frontieres, "Rohingya Refugees at Ten Years", 1 April 2002. (www.msf.org).
[l] Medecins Sans Frontieres, "MSF concerned about humanitarian situation of Rohingya refugees in Bangladesh", 1 April 2002, (www.msf.org).

[14] Academic Sources
[a] "Modernisation, Mass Education and the Role of the State in Bangladesh", By Steinar Askvik, A paper for European Network of Bangladesh Studies Workshop in Oslo 14-16 May 2000.
[b] "The Importance of Being Garo" Garo Discourse of Identity, By Ellen Bal, Erasmus University Rotterdam, A paper for the European Network of Bangladesh Studies, Oslo, 14-16 May 2000.

[15] Miscellaneous On-line Sources
[a] Education in Bangladesh, (www.sanisoft.tripod.com), accessed 16/8/02.
[b] Private Orphanages, the Independent , Internet Edition, accessed 12/9/02.
[c] Bangladesh: Religion, Bangla 2000, (www.bangla2000.com), accessed 9/10/02.
[d] Homosexuality, (www.anthro.palomar.edu/marriage), accessed 11/10/02.
[e] Gay/Bisexual Male Suicidality Studies Info-Site, (www.sws.soton.ac.uk), accessed 11/10/02.
[f] Dhaka forced to face sex taboos, South China Morning Post: South Asia Today, 21 September 1999., (www.umiacs.umd.edu), accessed 11/10/02.

[16] Bangladesh Election Commission,(www.bd-ec.org/index.php3)
[a] Election 2001. Accessed 19/10/01

[17] Sources on the Health Services
[a] World Health Organization, Country Profile, Bangladesh. WHO Report 2002.
[b] USAID Bangladesh Population and Health, (www.usaid.gov/bd), accessed 25/9/02.
[c] WHO Mental Project, Bangladesh, Department of Health and Substance Dependence, WHO, Geneva. Accessed 16/10/02.

[18] Official Bangladesh Government Documents and Statements
[a] "The Bangladesh Citizenship (Temporary Provisions) Order, 1972", Notification published by the Government of the People's Republic of Bangladesh, Ministry of Law and Parliamentary Affairs (Law Division).
[b] "Bangladesh Citizenship (Temporary Provisions) Rules, 1978", Notification published in the Bangladesh Gazette Extraordinary dated (27/7/1978).

[19] CNN Interactive Online Service
[a] Former Prime Minister of Bangladesh Sentenced to Jail, 3 November 1999
[b] Bangladesh Cracks Down on Abuse of Women, Children, 31 January 2000
[c] UNICEF: Bangladesh Has Over 6 Million Child Workers, 1 October 1999

[20] BBC News Online
[a] 4 November 1999, Ershad stopped from leaving country.
[b] 10 October 1999, Six die in Bangladesh bomb attack.
[c] 13 June 2000, Bangladesh banks investigate Taleban funding.
[d] 19 July 2000, Charges over Bangladesh bombing.
[e] 4 December 2000, Bangladesh coups under scrutiny.
[f] 5 February 2001, Bangladesh cracks down on Islamists.
[g] 6 February 2001, Bangladesh Islamists losing ground.
[h] 13 February 2001, Four killed in Dhaka riot.
[i] 7 August 2002, Timeline: Bangladesh.
[j] 9 December 2001, Treason probe into Bangladesh journalist.
[k] 26 September 2001, Bangladesh's feuding politicians.
[l] 2 October 2001, Challenges ahead for Bangladesh.
[m] 3 October 2001, Bangladesh's Islamic revival.
[n] 9 October 2001, Bangladesh MPs sworn in.
[o] 10 October 2001, Bangladesh Hindus seek protection.
[p] 8 March 2002, Bangladesh protest against acid attacks.
[q] 30 March 1998, Bangladesh approves new assault laws.
[r] 24 July 2002, Uneasy calm after Bangladesh riot.
[s] 30 August 2002, Attack on Bangladesh opposition.
[t] 1 September 2002, Bangladesh rounds up opposition.
[u] 9 Septmeber 2002, Bangladesh students call strike.
[v] 5 September 2002, Bangladesh names new president.

[w] 29 August 2002, Private Bangladesh TV goes off air.
[x] 27 August 2002, bangladesh bans third Taslima book.
[y] 25 September 2002, Dhaka hardliners protest against play.
[z] 14 October 2002, Jail term surprises Bangladesh author.
[aa] 17 October 2002, Army fights crime in Bangladesh