

# **BANGLADESH 2012 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Bangladesh is a parliamentary democracy. Prime Minister Sheikh Hasina led the Awami League (AL) to victory in the 2008 parliamentary elections, which international and domestic observers considered free and fair, although with isolated irregularities and sporadic violence. In most instances security forces reported to civil authorities.

The most significant human rights problems were enforced disappearances, discrimination against marginalized groups, and poor working conditions and labor rights. Suspected extrajudicial killings, disappearances, and kidnappings continued, with human rights groups alleging the involvement of the country's security services. Marginalized groups, particularly Rohingya refugees, indigenous people, and women, suffered from unequal treatment and in some instances violence. Workers continued to face difficulties in forming unions and suffered from poor safety conditions in factories, highlighted by a factory fire on November 24.

Other human rights problems included arbitrary arrests, detentions, and custodial deaths. Weak judicial capacity and resultant lengthy pretrial detentions continued to be problems. Authorities infringed on citizens' privacy rights. There were instances in which the government limited freedom of speech and assembly. Some journalists practiced self-censorship. Politically motivated violence and pervasive official corruption remained problems. Some nongovernmental organizations (NGOs) faced legal and informal restrictions on their activities. Many children were compelled to work, due either to economic necessity or in some instances trafficking. Discrimination against persons with disabilities was a problem, especially for children seeking admittance to public school. Instances of societal violence against religious and ethnic minorities persisted, although many government and civil society leaders claimed these acts had political or economic motivations and should not be attributed only to religious beliefs or affiliations. Child marriage of girls was a problem. Discrimination against persons based on their sexual orientation continued. Workers faced obstacles to engaging in collective bargaining. Child labor, particularly in the informal sector, remained a problem.

Official corruption and related impunity remained problems. Weak regard for the rule of law not only enabled individuals, including government officials, to commit

human rights violations with impunity but also prevented citizens from claiming their rights. As in the previous year, the government did not take comprehensive measures to investigate and prosecute cases of security force killings.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

### **a. Arbitrary or Unlawful Deprivation of Life**

The constitution provides for right to life and personal liberty; however, there were reports that the government or its agents committed arbitrary or unlawful killings.

The government neither released statistics on total killings by all security personnel nor took comprehensive measures to investigate cases, despite statements by high-ranking officials that the government would show “zero tolerance” and fully investigate all extrajudicial killings by security forces. According to the media and local human rights organizations, no case resulted in criminal punishment and, in the few instances in which the government brought charges, those found guilty generally received administrative punishment. Some members of the security forces acted with impunity. In 2011 the government formed an internal inquiries cell within the paramilitary Rapid Action Battalion (RAB) to investigate cases of human rights abuses, but during the year the government did not disclose information on any prosecutions for suspected killings by RAB officers.

According to media reports, local and international human rights organizations, and the government, 70 persons were killed extrajudicially. These organizations believed RAB was responsible for 40 of the extrajudicial deaths, while combined security units consisting of RAB members killed six additional persons during the year. The deaths occurred during raids, arrests, and other law-enforcement operations. The government often described these deaths as “crossfire killings,” “gunfights,” or “encounter killings,” terms used to characterize exchanges of gunfire between RAB or police units and criminal gangs. According to the NGO Odhikar, non-RAB law enforcement officials were responsible for 24 extrajudicial killings, down from 33 incidents in 2011.

A Ministry of Home Affairs (MHA) report on the April killing of Aminul Islam, a labor union organizer, suggested that collusion between the National Security Intelligence (NSI) and garment manufacturers was one of several reasons for his death (see section 7.a.).

Odhikar reported that, on June 10, Mohammad Abdul Wahab was shot and killed by police fire during a public protest at the Betai Chondipur police camp. While authorities formed a special investigation team to assess whether the police shooting was justified, police did not release the results of the investigation. According to the human rights organization Ain O-Shalish Kendra (ASK), there were 101 deaths in custody during the year, including 34 deaths in prison. Some of the deaths were allegedly the result of torture (see section 1.c.).

According to Odhikar, 169 persons were killed and 17,161 injured in political violence. In the AL, there were 382 incidents of internal violence; 146 such incidents were also recorded in the Bangladesh Nationalist Party (BNP) during this period. There were 37 persons and 4,330 injured in internal conflicts in the AL, while six were killed and 1,619 injured in the BNP's internal conflicts. These incidents were often linked to criminal activities rather than political motives. Incidents of nonlethal, politically motivated violence also occurred (see section 1.c.).

In one example of political violence related to a general strike, on December 9, members of the student wing of the ruling party, the Chattro League, beat and killed a passerby, 24-year-old Biswajit Das, because they thought he belonged to the opposition party. The killing gained national press coverage due to the brutal nature of the beating and the fact that multiple photo and television journalists captured the incident. Police arrested 10 men involved in the killing.

## **b. Disappearance**

Disappearances and kidnappings, some by security services such as RAB and the Criminal Investigative Division, continued during the year. According to Odhikar, there were 24 disappearances with alleged ties to security personnel compared with 30 in 2011. Odhikar claimed that RAB was involved in 10 of these disappearances. The ASK estimated there were 56 enforced disappearances.

On June 13, Mohammad Nazrul Islam was arrested by members of RAB-12 while working on his farm and subsequently disappeared from Khamarkhand, Sirajgang. According to Odhikar's fact-finding report, two eyewitnesses asked the officers why they were taking Nazrul, and they responded by identifying themselves as RAB-12 and showing identity cards. No one has seen Nazrul since he was forcefully taken to the local RAB office. Eyewitnesses near the RAB office confirmed that officers took Nazrul there on the evening of June 13. When Nazrul's wife and son-in-law went to the office on June 14, RAB officials stated

that Nazrul was not there; they could not locate him at any other law enforcement office. On June 16, Nazrul's wife filed an abduction report at the Kamarkhand police station. At year's end the investigation into Nazrul's whereabouts continued but remained inconclusive.

The MHA published two reports on high-profile disappearances. In its report on Tushar Islam Titu, leader of the Jubo League (the youth league of the AL), who disappeared in 2008, the committee found RAB to be responsible. The MHA named five perpetrators, each of whom denied involvement: Deputy Assistant Director of RAB-3 Mohammad Hanif, Assistant Sub-Inspector Firoze Ahmed, Corporal Amin Ullah Apu, Assistant Sub-Inspector Humayun Farid, and Deputy Assistant Director of RAB-2 Mokhlesur Rahman. RAB Public Relations Director Commander M. Sohail claimed the MHA report was erroneous.

There was no information on the 2011 disappearances of Iman Mohammad Rafiqul Islam or students Al-Mukaddas and Mohammad Waliulla.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

Although the constitution and law prohibit torture and other cruel, inhuman, or degrading treatment or punishment, security forces, including RAB and police, reportedly employed torture and physical and psychological abuse during arrests and interrogations. Security forces used threats, beatings, and electric shock. According to Odhikar, security forces tortured at least 72 persons, killing seven. The government rarely charged, convicted, or punished those responsible.

The law contains provisions allowing a magistrate to place a suspect in interrogative custody, known as remand, during which the suspect can be questioned without a lawyer present. The government made efforts to limit remand because of instances of abuse occurring during remand.

For example, while held in remand on April 22, S.M. Mahmudul Huq Tito, a leader of the student wing of the BNP, was suspended by his arms from hooks in the ceiling by the officer in charge of the Khulna police, S.M. Kamruzzaman. According to several major news reports, the government reassigned Kamruzzaman from the Khulna police station through a bureaucratic procedure called "closing" but did not charge him in court.

According to Odhikar, there were 13 recorded incidents of rape and sexual abuse by members of law enforcement agencies. Five victims were under the age of 17. For example, on August 21, Odhikar reported that police constable Rashed Rana of the Atoltilla police camp raped an 11-year-old girl in the Dighinala subdistrict of Khagrachori. The girl's family filed a case against Rana. A court jailed Rana, and the case remained under investigation.

### **Prison and Detention Center Conditions**

Prison system conditions remained harsh and at times life threatening due to overcrowding, inadequate facilities, and lack of proper sanitation. Human rights observers stated that these conditions contributed to custodial deaths.

According to Odhikar, 58 persons died in prison compared with 105 prison deaths in 2011. In a July 4 report on the trials of Bangladesh Rifles mutineers, Human Rights Watch (HRW) documented 47 cases of custodial death between 2009 and 2012, some due to torture or mistreatment.

Physical Conditions: Media and human rights observers reported the prison population to be approximately 68,700 in a system designed to hold 33,570. Approximately one-third of the prison population had been convicted, with the rest awaiting trial or detained for investigation. Pretrial detainees often were incarcerated with convicted prisoners.

Due to overcrowding, prisoners slept in shifts and did not have adequate toilet facilities. All prisoners have the right to medical care and water. Human rights organizations and the media stated that some prisoners did not enjoy these rights. Water available in prisons was comparable with water available in the rest of the country, which was often not potable.

Conditions in prisons and often within the same prison complex varied widely because some prisoners were lodged in areas subject to high temperatures, poor ventilation, and overcrowding while others were placed in "divisional" custody, which featured better conditions, including increased family visitation and access to household staff.

The law requires that juveniles be held separately from adults, but in practice many juveniles were incarcerated with adults. Children were sometimes imprisoned (occasionally with their mothers) despite laws and court decisions prohibiting the imprisonment of minors.

Authorities routinely housed female prisoners separately from men. Although the law prohibits women in “safe custody” (usually victims of rape, trafficking, and domestic violence) from being housed with criminals, officials did not always provide separate facilities. According to Odhikar, 2,435 women were incarcerated in prisons, including 1,787 women awaiting trial and 648 who were convicted prisoners.

Administration: Prison recordkeeping was adequate. Authorities did not use alternatives to sentencing for nonviolent offenders, and prison ombudsmen were not available to prisoners. Authorities permitted religious observance for prisoners. They allowed prisoners to submit uncensored complaints and occasionally investigated such complaints.

Monitoring: The government generally did not permit prison visits by independent human rights monitors, including Odhikar and the International Committee of the Red Cross, but allowed the Bangladesh Red Crescent Society to visit foreign detainees. Government-appointed committees composed of prominent private citizens in each prison locality monitored prisons monthly but did not publicly release their findings. District judges occasionally visited prisons.

#### **d. Arbitrary Arrest or Detention**

The constitution prohibits arbitrary arrest and detention. The law permits authorities to arrest and detain persons suspected of criminal activity without an order from a magistrate or a warrant.

Legal experts and human rights activists criticized the use of mobile courts headed by magistrates during nationwide strikes called by the opposition party. Mobile courts immediately prosecuted persons who supported the strikes and rendered verdicts that often included prison terms.

Fearing widespread violence, law enforcement agencies arrested 3,215 persons in connection with a large rally organized by the opposition parties on March 12. Media and human rights observers noted that police arrested some day laborers, rickshaw pullers, hawkers, street vendors, and transport workers who were not involved in the rally along with political activists.

#### **Role of the Police and Security Apparatus**

Police, organized nationally under the MHA, have a mandate to maintain internal security and law and order. The army, organized under the Prime Minister's Office, is responsible for external security but also has some domestic security responsibilities, such as in the Chittagong Hills Tracts (CHT).

Civilian authorities maintained effective control over the armed forces, and the government has mechanisms to investigate and punish abuse and corruption. However, these mechanisms were not regularly employed in practice. The government took steps to improve police professionalism, discipline, training, and responsiveness, and to reduce corruption. For example, RAB established an internal affairs unit consisting of 20 officers, which investigated 12 cases and took action, including arrest, against three of the accused officers. Police incorporated instruction on the use of force into their basic training as part of a campaign to implement community-based policing.

Despite such efforts, security forces, including RAB, continued sometimes to commit abuses with impunity. Plaintiffs sometimes were reluctant to accuse police in criminal cases due to lengthy trial procedures and fears of retribution. Reluctance to bring charges against police also perpetuated a climate of impunity.

Security forces sometimes failed to prevent societal violence (see section 2.d.).

### **Arrest Procedures and Treatment While in Detention**

The law provides for arrest on suspicion of criminal activity without an order from a magistrate or a warrant, and the government regularly used such provisions. The government or a district magistrate may order a person detained for 30 days to prevent the commission of an act that could threaten national security; however, authorities sometimes held detainees for longer periods. A magistrate must inform a detainee of the grounds for detention within 15 days, and an advisory board is required to examine the detainee's case after four months. Detainees have the right to appeal.

There is a functioning bail system in the regular courts. Criminal detainees charged with crimes were granted access to attorneys. The government sometimes provided detainees with state-funded defense attorneys. The few legal aid programs for detainees that existed were underfunded. Authorities generally permitted defense lawyers to meet with their clients after formal charges were filed in the courts, which in some cases occurred several weeks or months after the initial arrest.

Arbitrary Arrest: Arbitrary arrests occurred, usually in conjunction with political demonstrations, and the government held persons in detention without specific charges, sometimes in an attempt to collect information about other suspects. Following national political demonstrations on March 12, police arrested more than 3,000 suspected protestors. Odhikar estimated that the total number of arrests for the year was 8,675.

Pretrial Detention: Arbitrary and lengthy pretrial detention continued to be a problem due to bureaucratic inefficiencies, limited resources, lax enforcement of pretrial rules, and corruption. An estimated two million civil and criminal cases were pending. According to a 2008 estimate from the International Center for Prison Studies, nearly 70 percent of prison inmates, or 56,000 prisoners, were in pretrial detention. In some cases the length of pretrial detention equaled or exceeded the sentence for the alleged crime.

The International Crimes Tribunal continued to hold defendants for long periods of time without charging them. In one case, Mir Quasem Ali, who was arrested on June 17, was still under detention without charge at the end of the year. The enabling statute for the tribunal allows it to hold defendants without trial and to interrogate suspects without the presence of attorneys, and it routinely did so.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, but a longstanding temporary provision of the constitution undermined full judicial independence in practice. According to the provision, the executive branch is in charge of the lower courts, judicial appointments, and compensation for judicial officials.

HRW reported that law enforcement and government officials intimidated defense counsel for leaders of the Islamic political party Jamaat-e-Islami who were accused of war crimes.

Corruption and a substantial backlog of cases hindered the court system, and extended continuances effectively prevented many defendants from obtaining fair trials due to witness tampering, victim intimidation, and missing evidence. Human rights observers stated that magistrates, attorneys, and court officials demanded bribes from defendants in many cases filed during the year.

#### **Trial Procedures**



The law provides for the right to a fair trial, but the judiciary could not always protect this right due to corruption and weak human and institutional capacities. Prosecutors and judges were underpaid, and their low monthly retainer of 3,000 taka (approximately \$37) plus 200 taka (approximately \$2.50) per hour in court meant some were willing to accept bribes to influence the outcome of a case. Defendants are presumed innocent and have the right to appeal and to see the government's evidence. Defendants have the right to be informed promptly and in detail of the charges against them. The law prevented undue delay of proceedings for certain offenses, such as murder, sexual assault, and robbery. Judges rather than juries decide cases, and trials are public. Indigent defendants have the right to a public defender. Defendants also have adequate time to prepare a defense; adjournments are one factor that contributed to the backlog of cases. Accused persons have the right to be represented by counsel, review accusatory material, call or question witnesses, and appeal verdicts, and the government sometimes respected these rights.

The courts used mass trials for Bangladesh Rifles mutineers, with up to 800 of the accused standing trial at the same time in military proceedings. HRW called for mass trial proceedings to cease and for each individual to be charged and tried for his own alleged crime. Most mutiny trials were completed by October 21, with 5,926 mutineers serving prison sentences ranging from four months to seven years. Cases for serious crimes associated with the mutiny, including murder, arson, and looting, continued in civilian courts at year's end.

### **Political Prisoners and Detainees**

While political affiliation was sometimes a factor in the arrest and prosecution of members of the opposition parties, no persons were prosecuted solely for political reasons.

### **Civil Judicial Procedures and Remedies**

Individuals and organizations may seek administrative and judicial remedies for human rights violations; however, the civil court system was slow and cumbersome, deterring many from filing complaints. The government did not interfere with civil judicial procedures. Corruption and outside influence were problems in the civil judicial system. Alternative dispute resolution for civil cases allows citizens to present their cases for mediation. According to government

sources, the wider use of mediation in civil cases accelerated the administration of justice, but there was no assessment of its fairness or impartiality.

### **Property Restitution**

The government did not take action to compensate individuals, primarily Hindus, who lost their land under the 1974 Vested Property Act, despite the change to the law in 2001 requiring the return of the land (see section 2.d.).

### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The law does not prohibit arbitrary interference with private correspondence; rather, intelligence and law enforcement agencies may monitor private communications with the permission of the chief executive of the MHA. Police rarely obtained warrants as required, and authorities did not punish officers who violated these procedures. Human rights organizations alleged that the special branch of police, the NSI, and the Directorate General Forces Intelligence employed informers to conduct surveillance and report on citizens perceived to be critical of the government. The government also routinely conducted surveillance on opposition politicians. Human rights organizations and news outlets reported that police sometimes entered private homes without obtaining proper authorization.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The constitution provided for these rights, but the government sometimes failed to respect freedom of speech and press. There were some limitations on freedom of speech and perceived misrepresentation or defamation of Islam. Some journalists self-censored their criticisms of the government due to harassment.

Freedom of Speech: The constitution equates criticism of the constitution with sedition. Punishment for sedition ranges from three years' to life imprisonment. During the year the courts did not sentence anyone under these laws. The law limits hate speech but does not define clearly what constitutes hate speech, leaving the government with broad powers of interpretation. The government can restrict speech deemed to be against the security of the state; against friendly relations with foreign states; against public order, decency, or morality; or that constitutes contempt of court, defamation, or incitement to an offense.

For example, university student Sohel Molla Raj (alias Sohel Rana) implied on his personal Facebook account that the prime minister was connected with Ilias Ali's disappearance (see section 1.b.). A university official filed a complaint with the Trishal police station, which filed a sedition charge against Sohel Rana with the MHA. The deputy commissioner of Mymensingh seconded the request to the MHA. On May 18, police arrested Sohel, whose his first court hearing was on July 9. Sohel remained detained in the Mymensingh jail.

Freedom of Press: The independent media were active and expressed a wide variety of views; however, media critical of the government sometimes experienced negative government pressure.

The government owned one radio station and one television station. The law mandates that the public television station, BTV, remain the country's only terrestrial (nonsatellite) broadcast channel. An estimated 60 percent of the population did not have access to private satellite channels, and surveys indicated that almost 80 percent of citizens received their information from television. BTV broadcast parliamentary sessions and government programming but rarely broadcast opposition views. Cable operators generally functioned without government interference. The government required all private stations to broadcast, without charge, selected government news programs and speeches by the prime minister.

Fiction writer Humayun Ahmed's recent novel *Dewal* discussed the killing of the country's first president, Sheikh Mujibur Rahman. On May 15, the High Court pronounced the novel "wrong and objectionable" and requested the government to order Ahmed to correct the "misinformation" in his book.

Police in Bogra continued to provide security for correspondent Hasibur Rahman Bilu of the newspaper *Daily Star* in compliance with a November 2011 High Court order. The order followed attacks and death threats in response to reports published in the *Daily Star* on alleged corruption by the ruling AL party leader in collusion with the then deputy commissioner.

Violence and Harassment: Journalists were subjected to physical attack, harassment, and intimidation from both state and nonstate actors. According to Odhikar and media watchdog groups, during the year four journalists were killed, 118 injured, 50 threatened, six attacked, and 43 assaulted.

On February 11, unknown assailants killed Sagar Sarwar, news editor of the private channel Maasranga TV, and his wife, Meherun Runi, a reporter for the private channel ATN Bangla. The Bangladesh Federal Union of Journalists protested the killings. After some media reports speculated on the killer's identity, on February 28, the Supreme Court ordered the press to refrain from publishing speculative news about the case. On October 10, police released the names of eight suspects, but family and colleagues of the deceased dismissed the findings. No one was arrested for the killings.

Privately owned Ekushey Television (ETV) faced harassment from the National Board of Revenue (NBR) and the Bangladesh Telecommunication Regulatory Commission (BTRC) following its failure to heed alleged demands by unnamed government officials to cancel two programs that discussed contemporary political issues. On January 12, the ETV Chairman, Abdus Salam, received a backdated letter from the NBR asking him to pay 128 million taka (\$1.58 million) in past-due income taxes and fines. In July the NBR charged Salam with tax evasion. Salam claimed ETV did not owe any outstanding taxes. The case continued at year's end, and Salam's petition to have the case dismissed was pending.

Censorship or Content Restrictions: The government indirectly censored the media through threats and harassment. According to journalists, on multiple occasions government officials asked privately owned television channels not to broadcast the opposition's activities and statements. For example, ETV, Bangla Vision, and Islamic TV defied unofficial requests not to broadcast a live opposition alliance rally on March 12. Government intelligence officials allegedly forced cable operators to suspend the transmission of the three channels until after the rally ended. According to some journalists and human rights NGOs, journalists engaged in self-censorship due to fear of government retribution. Although public criticism of the government was common and vocal, the media--particularly print media--depended on government advertisements for a significant percentage of their revenue. As a result the media had an incentive for self-censorship.

This government, like its predecessors, issued new broadcast licenses to political supporters and denied them to political opponents.

The government did not subject foreign publications and films to stringent review and censorship. A government-managed film censor board reviewed local and foreign films and had the authority to censor or ban films on the grounds of state security, law and order, religious sentiment, obscenity, foreign relations, defamation, or plagiarism, but was less strict than in the past. In practice video

rental libraries and DVD shops stocked a wide variety of films, and government efforts to enforce censorship on rentals were sporadic and ineffective.

The government at times censored immodest or obscene photographs or objectionable comments regarding national leaders.

There were no significant local government initiatives to foster media independence.

### **Internet Freedom**

Individuals and groups could generally engage in the expression of views via the Internet. Access to the Internet was not widespread; the Internet had only a 3.5 percent penetration rate according to the International Telecommunication Union. The government blocked some Facebook pages, including pages depicting the Prophet Muhammad and pages critical of both the prime minister and opposition leader. On September 17, the Telecommunication and Radio Commission blocked YouTube. The BTRC previously asked YouTube's parent company, Google, to remove the video *The Innocence of Muslims* from YouTube and blocked access when Google did not comply. YouTube remained blocked at the year's end.

### **Academic Freedom and Cultural Events**

The government had few restrictions on academic freedom or cultural events. Media groups reported that authorities discouraged research on sensitive religious and political topics that might fuel possible religious or communal tensions. In addition, some Dhaka University teachers, many with overt BNP affiliations, were dismissed or put on extended leave after the AL-led government assumed office in 2009; it was unclear whether the concerned teachers were targeted because of their political affiliations.

The government exerted particularly strict control of information in textbooks related to the country's independence. On March 6, the High Court directed authorities at the Bangladesh Open University to file a criminal complaint against three Dhaka University professors and 10 others deemed liable for distorting the Liberation War history in two open university textbooks. On May 9, a Dhaka court issued an arrest warrant for Ershadul Bari, former vice chancellor of the Bangladesh Open University, in connection with a charge of distorting Liberation War history. On April 5, the metropolitan magistrate summoned three persons including Bari for the second time, since they did not appear following the court's

initial summons. On December 31, the court charged Bari with absconding and ordered police to confiscate his movable property.

### **b. Freedom of Peaceful Assembly and Association**

The constitution provides for freedom of assembly and association, and the government generally respected these rights in practice; however, there were instances of governmental action to limit freedom of assembly during periods of political protest and unrest.

#### **Freedom of Assembly**

The government permitted rallies, and they occurred with great regularity. On occasion, citing fear of violence, the government prevented political groups from holding meetings and demonstrations. The law authorizes the government to ban assemblies of more than four persons; according to Odhikar, authorities used this provision at least 105 times during the year. Occasionally police or ruling party activists used force to disperse demonstrations.

In January the BNP called for a rally on March 12 in Dhaka to support the restoration of a caretaker government system to conduct elections. In February the AL announced it would also hold a rally in Dhaka on the same date. Citing concerns for public safety, the Dhaka Metropolitan Police banned human chains, protests, rallies, sit-ins, meetings, and processions for March 12. In addition, law enforcement authorities acted to prevent Dhaka-bound public transit and restricted traffic inside the city on March 11. Police arrested over 400 persons prior to March 12. Police ultimately allowed the opposition rally to proceed.

Various groups in the country planned protests against the video *The Innocence of Muslims*. In Dhaka these groups gathered outside the city's main mosque, Baitul Mukarram, following Friday afternoon prayers on September 14 and 21. Police allowed protesters to proceed as long as they were peaceful and did not march towards diplomatic missions. However, on September 21, the government banned public gatherings ahead of a long-planned rally of 12 Islamic parties set for September 22. The parties had intended to demand that the country's constitution establish Islam as the state religion and to condemn the video. Members of the parties defied the ban and attempted to protest, resulting in some arrests.

Jamaat-e-Islami reported that the government severely hampered its ability to secure permits for rallies or processions throughout the year. Government officials also prohibited Jamaat-e-Islami leaders from meeting at the party's headquarters.

### **Freedom of Association**

The law provides for the right of citizens to form associations, subject to “reasonable restrictions” in the interest of morality or public order, and the government generally respected this right. Individuals were free to join private groups. Trade unions were able to conduct their normal activities such as collective bargaining, but government action made it nearly impossible to form new trade unions in many sectors, for example, in the ready-made garment and shrimp industries. The government also denied or delayed the registration of NGOs working in certain sensitive areas such as human rights, labor rights, or humanitarian assistance for Rohingya refugees. The government's NGO affairs bureau also withheld approval of foreign funding for such projects (see section 2.d.). There were reports of increasing scrutiny of and restrictions on activities of NGOs by the NGO affairs bureau.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt/](http://www.state.gov/j/drl/irf/rpt/).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice, except in two sensitive areas, the CHT and Cox's Bazar.

The government did not fully cooperate with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

Foreign Travel: Passport holders do not require exit permits or visas to leave the country. There were no special controls on women or minorities. Some senior opposition officials reported extensive delays in getting their passports renewed.

The international travel ban continued on war crimes suspects from the 1971 liberation war.

The country's passports are invalid for travel to Israel.

### **Internally Displaced Persons (IDPs)**

Low-level armed conflict in the CHT between 1973 and 1997 rendered tens of thousands of indigenous persons internally displaced. During the conflict the government relocated landless Bengalis from the plains with the unstated objective of changing the demographic balance in the CHT towards a Bengali majority.

The International Displacement Monitoring Center (IDMC) also reported that members of religious minorities across the country were “forcibly displaced” as a result of discriminatory legislation. The IDMC reported nearly 750,000 Hindu families were dispossessed of agricultural land over the years. There was no systematic reporting on the treatment of these widely scattered IDPs. The government did not make progress in implementing laws to restore property (see section 1.e.).

IDPs in the CHT had limited physical security. Indigenous community leaders suggested that settlers' violations of indigenous persons' rights, sometimes with the involvement of security forces, were widespread.

IDPs in the CHT also lacked sufficient access to courts and legal aid. The CHT Commission, composed of experts from inside and outside the country who sought to promote respect for human rights, democracy, participatory development, and land rights in the CHT, found that a lack of information and lawyers to assist indigenous persons hindered IDPs' access to justice. The CHT Commission reported that settlers expropriated indigenous land using false titles, intimidation, force, fraud, and manipulation of government eminent-domain claims.

The number of IDPs in the CHT remained disputed. In 2000 a government task force estimated the number to be 500,000 but included nonindigenous persons in its estimate. During the same year, Amnesty International reported approximately 60,000 indigenous IDPs. These were the most recent estimates available. The prime minister pledged to resolve outstanding land disputes in the CHT to facilitate the return of IDPs and to close the remaining military camps. No land disputes were resolved during the year.



## Protection of Refugees

The government and the UNHCR provided temporary protection and basic assistance to 30,000 Rohingya refugees from Burma living in two official camps (Kutupalong and Nayapara). The UNHCR estimated that an additional 220,000 undocumented Rohingya lived in the Cox's Bazar, Bandarban, and Chittagong districts, while the government estimated that 200,000 to 500,000 undocumented Rohingya resided during the year in various villages and towns outside the two official refugee camps. Most of these undocumented Rohingya lived among the local population in Teknaf and Ukhyia in Cox's Bazar district, including approximately 20,000 at an unofficial site adjacent to the official Kutupalong refugee camp and approximately 9,000 at the Leda site.

Access to Asylum: The country's laws do not provide for granting asylum or refugee status, and the government has not established a formal system for providing protection to refugees. The government did not issue a review of its refugee policy, which the Ministry of Foreign Affairs stated it would do after suspending all resettlement programs in 2010. The government provided some protection to Rohingya refugees from Burma already resident in the country, but it continued to deny asylum to Rohingya whom it categorized as illegal economic migrants. While the government cooperated with the UNHCR in providing temporary protection and basic assistance to officially registered refugees already resident in two official camps, it did not cooperate with the UNHCR to expand services to undocumented Rohingya, who were persons of concern to the UNHCR, or new arrivals fleeing the violence in bordering Rakhine State, Burma. During sectarian violence in Burma's northern Rakhine State in June and again in October, the government closed its borders and pushed asylum seekers fleeing attacks back into Burma.

Refoulement: Continued violence and human rights abuses against the Rohingya in Burma prevented the government from assisting the safe, voluntary return of refugees to their homes. The Ministry of Foreign Affairs and the Border Guard Bangladesh forcibly returned an estimated 6,163 Rohingya to Burma, where their lives or freedoms may have been threatened. According to the UNHCR, many individuals who were turned back likely were entitled to refugee status and protection. Despite these pushbacks, the border remained porous. The UNHCR, which maintained a field presence in both countries and monitored these trends, acknowledged considerable daily cross-border movement for trade, smuggling, and, after June, illegal migration.

Refugee Abuse: The UNHCR reported cases of refugee abuse, including rape, assault, domestic abuse, deprivation of food, arbitrary detention, and documentation problems.

Employment: The government did not allow Rohingya refugees living in the country on an extended basis to work locally. Refugees had limited freedom of movement beyond the camps and had to obtain permission for all movement outside the camps. Despite these constraints, some refugees worked illegally as manual laborers or rickshaw pullers in the informal economy. Undocumented Rohingya also worked illegally, mostly in day-labor jobs.

Access to Basic Services: Working with the UNHCR, the government continued to improve some aspects of the official refugee camps following findings in recent years that sanitation, nutrition, and shelter conditions had fallen below minimum international standards. Some basic standards remained unmet, and conditions in the camps continued to be overcrowded, with densities on par with the country's urban slums. On October 2, the UNHCR and the World Food Program released a nutrition survey report that stated the prevalence of malnourished (stunted) and underweight children in refugee camps remained higher than in the rest of the country and was near the emergency threshold levels set by the World Health Organization.

Public education is mandatory through the eighth grade throughout the country, but was offered only through fifth grade in the camps. Refugees were not allowed to attend school beyond the fifth grade outside the camps; however, small numbers of students studied with the assistance of private tutors and participated in countrywide school examinations through the high school level. By law unregistered refugees are not allowed to attend public schools, but many attended in practice.

Neither registered nor unregistered refugees were allowed access to public health care. However, the provision of basic health services by the UNHCR and NGOs meant that registered refugees often received better medical care than citizens in surrounding villages. Although humanitarian assistance provided by NGOs served registered Rohingya refugees, undocumented Rohingya, and the local Bangladeshi population, the government's restrictions on NGO activities outside the camps limited the unregistered population's access to basic medical care and other services.

International NGOs faced difficulties in providing basic services to undocumented Rohingya and to the surrounding impoverished host communities because the NGO affairs bureau refused to grant permission for them to operate. Extended delays by the government's NGO affairs bureau in granting approvals also made it difficult for international NGOs to operate in the country and to implement assistance programs. The NGO affairs bureau ordered three NGOs--Doctors without Borders (MSF), Action against Hunger (ACF), and Muslim Aid--that were providing basic assistance, such as water and sanitation, healthcare, and education, to unregistered Rohingya to cease their activities as of July 30. The NGOs reduced their operations to provide only life-saving services.

Registered refugees did not have the right to legal recourse through the country's formal legal system, although they were able to take legal complaints to a local camp official, who could mediate disputes. The members of the unregistered population had no legal protection and were sometimes arrested because the government viewed them as illegal economic migrants.

Durable Solutions: There were no Rohingya voluntarily repatriated to Burma or resettled in third countries. Although the situation remained protracted, the government did not facilitate local integration by conducting a census or considering any regularization of the Rohingya's status, such as naturalization.

### **Stateless Persons**

The Rohingya in the country are legally stateless. This group of Rohingya cannot derive citizenship from birth in the country or from marriage with local citizens. The laws do not afford Rohingya any opportunity to gain nationality.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

On September 16, the Supreme Court released the text of its 2011 decision to abolish the practice of holding national elections during a temporary caretaker government. Subsequently, the main opposition party, the BNP, stated it would not participate in elections unless they were conducted under a nonpartisan administration. The opposition party has since boycotted subnational elections.

## **Elections and Political Participation**

Recent Elections: Sheikh Hasina, the leader of the AL, became prime minister in 2009 following the most recent parliamentary elections in 2008, which international and local observers deemed free and fair. The 14-party AL alliance held 307 of the 350 seats in parliament. The opposition BNP and its allies held 41 seats. One seat belonged to an independent member and one seat remained vacant following the death of an AL member. Hasina's cabinet included representatives from the other parties in her coalition. BNP chairperson and former prime minister Khaleda Zia became leader of the opposition.

Political Parties: Opposition parties boycotted parliament throughout the year but returned on certain days to fulfill the requirements for them to retain their seats. In general they demanded fair treatment by the speaker and the ruling party legislators as preconditions for their return to the house. Opposition parties participated in all 48 standing parliamentary committees in the first session, despite their absence from parliament.

In some instances the government interfered with the right of opposition parties to organize public functions (see section 2.b.). It also manipulated the media to restrict broadcast of opposition political events (see section 2.a.).

Participation of Women and Minorities: There are no laws preventing women or minorities from voting or participating in political life. Women were eligible to contest any of the 300 seats in parliament, and an additional 50 seats were reserved for women. During the year there were 69 women in parliament, 19 of whom were directly elected and 50 who were chosen by political parties based on their proportional representation in parliament. Five women were full cabinet ministers. Three women served at the state ministerial level.

There is no provision to reserve parliamentary seats for minorities.

## **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. Human rights groups, the media, the Anticorruption Commission (ACC), and other institutions reported government corruption during the year. Officials frequently engaged in corrupt practices with impunity. The laws do not require elected or appointed officials to disclose their

income and assets. The AL promised in its election manifesto that ministers and members of parliament would disclose their assets, but they did not.

The ACC is the government agency charged with fighting corruption. A 2010 World Bank report stated the government undermined the ACC's work and hampered the prosecution of corruption. The report stated that the government filed far fewer corruption cases than had the previous caretaker government and that a government commission recommended that the ACC drop thousands of corruption cases. Some in civil society stated that the government was not serious about fighting corruption and that the ACC was used for politically motivated prosecutions. Transparency International Bangladesh asserted that political interference in the ACC's operations had rendered it a "toothless tiger."

On June 29, the World Bank canceled its \$1.2 billion Padma Bridge loan citing the government's failure to take specific measures that the bank required following the emergence in late 2011 of corruption allegations involving senior government officials. On September 20, the bank agreed to reengage in the project after the government implemented each of the measures, including removing certain individuals from public office and agreeing to the ACC's engagement with the bank's expert panel in pursuing the corruption allegations. The ACC determined there was sufficient evidence to investigate the role of seven senior officials; it subsequently filed formal charges against six and arrested two but at year's end had not opened an investigation of the former communications minister.

In another case, then railway minister Suranjit Sengupta was allegedly involved in bribe taking. Sengupta's assistant private secretary, Omar Faruq Talukder, and two other ministry officials were caught with 7.4 million taka (approximately \$91,000) cash in their car. Sengupta's driver, Ali Azam, claimed the officials were taking the money to Sengupta's home as part of his share of a bribery deal involving appointments to the ministry. Sengupta maintained his innocence but submitted his resignation on April 16. The prime minister retained him as a minister without a portfolio. An inquiry by the Railway Ministry found Sengupta innocent, and the ACC refused to take action against him, stating that the driver later claimed ownership of the money. Azam continued to claim in private interviews that the money was intended for Sengupta. ACC chair Golam Rahman refused to take Azam's statement.

The government took steps to address widespread police corruption. The inspector general of police continued to implement a new strategy, partially funded by international donors, for training police, addressing corruption, and creating a more

responsive police force. No assessment of the strategy's effect on corruption within the police force was available.

The judiciary was subject to political pressure from the government, and cases involving opposition leaders often proceeded in an irregular fashion. In several cases the appellate division overturned decisions granting bail to high-level corruption suspects who were leaders of opposition parties.

Corruption remained a serious problem within the judiciary and was a factor in lengthy delays of trials, which were subject to witness tampering and intimidation of victims. Several reports by human rights groups and corruption watchdog groups indicated growing public dissatisfaction with the perceived politicization of the judiciary.

The law provides for public access to government information, but in practice it was not fully effective. The Information Commission is responsible for implementing the law. The law lists a few exceptions (due to national security) and establishes nominal processing fees. The commission has the authority to issue summons if the relevant individuals do not comply with a request for information and to compel such individuals to give oral or written evidence under oath. Observers noted that the government filed few cases during the year due to limited understanding of the law and limited capacity to file and pursue requests for information. The commission conducted public outreach and training of public officials to encourage effective use of the law.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A wide variety of domestic and international human rights groups generally operated independently and without government restriction, investigating and publishing their findings on human rights cases. Although human rights groups often were sharply critical of the government, they also practiced some self-censorship. Government officials were generally not cooperative and responsive to their views.

UN and Other International Bodies: The government required all NGOs, including religious organizations, to register with the Ministry of Social Welfare. Local and international NGOs working on selected, sensitive topics such as human rights, indigenous people, Rohingya refugees, or workers' rights faced both formal and informal governmental restrictions. HRW, Odhikar, MSF, ACF, Handicap

International, and the Bangladesh Center for Workers' Solidarity (BCWS) reported numerous credible instances in which the government impeded their work, either by canceling projects or subjecting them to restrictive operating requirements that often resulted in a temporary or permanent cessation of their work. These groups also claimed that intelligence agencies monitored them. The government sometimes restricted international NGOs' ability to operate through delays in project registration and visa refusals.

The government countered NGO criticism through the media, sometimes with intimidating or threatening remarks. For example, on July 4, HRW reported that the mass trial of border guard mutineers was not free and fair and demanded the government disband the RAB. The government called the HRW report "false, baseless, and concocted" and stated that it was part of an "international conspiracy" supported by "local upstart organizations." Employees at Odhikar and ASK, the two local NGOs that supported HRW's research, received threats of arrest for sedition.

Government Human Rights Bodies: The National Human Rights Commission (NHRC) is a seven-member body, but five members are honorary. The NHRC has a small government support staff, and observers noted it was understaffed and underfunded. The NHRC's primary activity was educating the public about human rights, and the NHRC chairman made numerous media appearances. The NHRC received a "B" status from the International Council of Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), which found that the NHRC did not fully comply with international standards for such bodies. The ICC focused on the lack of transparency in selecting NHRC commissioners and NHRC's lack of hiring authority over its support staff.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

Laws specifically prohibit certain forms of discrimination against women, provide special procedures for persons accused of violence against women and children, call for harsh penalties, provide compensation to victims, and require action against investigating officers for negligence or willful failure of duty; however, enforcement of these laws was weak. Women, children, minority groups, persons with disabilities, indigenous people, and sexual minorities often confronted social and economic disadvantages.

### **Women**

Rape and Domestic Violence: The law prohibits rape and physical spousal abuse but makes no specific provision for spousal rape. According to Odhikar, during the year there were 805 reported incidents of rape against women and girls, including 299 women and 33 victims whose age could not be ascertained. According to human rights monitors, the actual number of rape cases was higher because many rape victims did not report the incidents due to social stigma or fear of further harassment. Prosecution of rapists was not consistent. Of the women, 31 were killed after being raped and 101 were victims of gang rape. ASK reported 1,008 rape cases, including 21 attempted rapes, filed with police during the year.

The law criminalizes domestic violence. Women's rights groups criticized the government for its inaction on domestic violence, and data were difficult to obtain. A 2000 study by the UN Population Fund indicated that at least 50 percent of women experienced domestic violence at least once in their lives. During the year the Bangladesh National Women Lawyers' Association (BNWLA) received more than 9,000 reports of violence against women and filed 731 cases related to violence against women. NGOs with little assistance from the government funded most efforts to combat domestic violence. NGOs such as the BNWLA operated shelters for destitute persons and distressed women and children. Courts sent most victims of domestic violence to shelter homes such as those run by BNWLA. In a few cases victims were sent to prison as a transitory destination for short periods. There were some support groups for victims of domestic violence.

Harmful Traditional Practices: Some of the reported violence against women was related to disputes over dowries. Odhikar reported 822 cases of dowry-related violence, the highest reported in four years. Of this number, 273 cases involved victims who were killed, 14 committed suicide, and 535 were mistreated.

On November 2, a pregnant housewife in Nageshwari, Kurigram, Khushina Khatun, was allegedly strangled to death by her husband, Mofizul Huq, over dowry demands. She died on the way to Rangpur Medical College Hospital. After her death her father filed a complaint against his daughter's in-laws at the Nageshwari police station. On December 18, the investigating officer informed Odhikar that, while the victim's father-in-law and mother-in-law were arrested, they did not arrest the prime suspect, Mofizul Huq.

On May 12, the Supreme Court's appellate division overruled a 2001 high court ruling prohibiting fatwas (religious edicts). However, in its ruling the court declared that fatwas could be used only to settle religious matters and could not be invoked to justify meting out punishment, nor could they supersede existing



secular law. Islamic tradition dictates that only those religious scholars with expertise in Islamic law could declare a fatwa. Despite these restrictions village religious leaders sometimes made such declarations. The declarations resulted in extrajudicial punishments, often against women, for perceived moral transgressions.

Incidents of vigilantism against women, sometimes led by religious leaders enforcing fatwas, occurred. According to ASK, 48 incidents of vigilante violence against women occurred during the year and only 16 incidents resulted in police action. The incidents included whipping, beating, and other forms of physical violence.

Acid attacks, although less common than in the past, remained a serious problem. Assailants threw acid in the faces of victims--usually women--that left them disfigured and often blind. Acid attacks often related to a woman's refusal to accept a marriage proposal or to land disputes. Odhikar reported acid attacks on 58 women, 17 men, 20 girls, and 10 boys. The law seeks to control the availability of acid and reduce acid-related violence directed toward women, but lack of awareness of the law and poor enforcement limited its effect. The government made efforts to punish offenders and reduce the availability of acid to the general public. The Commerce Ministry restricted acid sales to buyers registered with relevant trade organizations; however, the restrictions were not universally enforced. The law provides for speedier prosecutions of acid-throwing cases in special tribunals and generally does not allow bail. According to the Acid Survivors Foundation, the special tribunals were not entirely effective, and prosecutors obtained a conviction in an estimated 8 to 10 percent of cases. Five persons were convicted in three cases during the year.

Sexual Harassment: Sexual harassment in public and private, including in educational institutions and workplaces, is a criminal offense; however, harassment remained a problem. In January 2011 the Supreme Court ordered police stations to report on sexual harassment monthly and to set up separate cells for men and women to prevent sexual harassment. Police did not fully comply with the court order. Odhikar reported 346 cases of harassment against women, although many incidents went unreported.

Reproductive Rights: Couples and individuals had the information to decide the number, spacing, and timing of children free from discrimination, coercion, or violence through access to a full range of contraceptive methods, including long-acting reversible contraception and permanent methods. While pharmacies carried

a wide range of family planning options, low levels of income and education, and traditional family roles often served as barriers to access.

According to the *2010 Bangladesh Maternal Mortality and Health Care Survey*, the maternal mortality ratio declined by 40 percent over the preceding nine years, from 322 to 194 deaths per 100,000 live births. Approximately half of the maternal deaths were due to postpartum hemorrhage and eclampsia, with 7 percent attributed to obstructed or prolonged labor. According to the *2011 Bangladesh Demographic and Health Survey*, 31.7 percent of births were delivered by a skilled birth attendant. Only 29 percent of the deliveries occurred at a health facility. Although 54.6 percent of women received at least one antenatal checkup from a medically trained provider, only 25.5 percent of women received the recommended four checkups following live births. Only 27 percent of the mothers received a postnatal check up from a trained provider within two days of delivery.

Discrimination: Women do not enjoy the same legal status and rights as men in family, property, and inheritance law. Under traditional Islamic inheritance laws, daughters inherit only half that of sons, and in the absence of sons they may inherit only what remains after settling all debts and other obligations. Under Hindu inheritance laws, a widow's rights to her deceased husband's property are limited to her lifetime and revert to the male heirs upon her death. The parliament passed the Hindu Marriage Registration Bill 2012, which allows for the optional registration of Hindu marriages. HRW reported that discriminatory personal laws affected Muslim, Hindu, and Christian women. It found women whose marriages ended often fell into poverty due to these legal provisions that make it difficult to obtain legal redress.

Employment opportunities increased for women, who constituted approximately 80 percent of garment factory workers. However, women were sometimes subjected to abuse in factories, including sexual harassment. There were some gender-based wage disparities in the overall economy, but wages of women and men were comparable in the garment sector. Women still faced difficulty in seeking access to credit and other economic opportunities, but the government's National Women's Development Policy included commitments to provide opportunities for women in employment and business.

## **Children**

Despite strong legislation for children's rights, there is a general lack of enforcement due to limited resources and capacity to implement and monitor these

laws. Governance remained weak with the responsibility for children held by one of the least-resourced ministries, the Ministry of Women and Children's Affairs. The government, with the assistance of local and foreign NGOs, worked to improve children's rights and welfare, enabling the country to make significant progress in improving children's health, nutrition, and education. Despite some progress, the 2011 Bangladesh Health Survey found that 41.3 percent of children remained chronically malnourished, as defined by moderate or severe levels of stunting (height for age). This was a decrease from 48.6 percent malnutrition in 2009.

Birth Registration: The law does not grant citizenship automatically by birth within the country. Individuals become citizens if their fathers or grandfathers were born in the territories that are now part of the country. If a person qualifies for citizenship through ancestry, the father or grandfather must have been a permanent resident of these territories in or after 1971. The government began a universal birth registration program in 2005, which increased the registration rate from 10 percent at the outset to 51 percent in 2010.

Education: Primary education was free and compulsory through the eighth grade, and the government offered subsidies to parents to keep girls in class through the 10th grade. Government incentives to families that sent children to school contributed significantly to the rise in primary school enrollments in recent years, but hidden school fees at the local level created barriers to access for the poorest families. Many families kept children out of school to become wage earners or to help with household chores, and primary school coverage was insufficient in remote and disaster-prone areas.

Child Abuse: All forms of child abuse, including sexual abuse, physically and humiliating punishment, child abandonment, abuse, kidnapping, and trafficking continued to be serious and widespread problems. Children were vulnerable to child abuse in all settings: home, community, school, residential institutions, and the workplace. Of the 805 reported incidents of rape against women and girls, 473 were girls. Of the 473 child victims, 39 were killed after being raped, 84 were victims of gang rape, and 10 committed suicide as a result of mental stress after the crime. Local human rights groups reported numerous rapes and rape attempts against women under the age of 17 during the year. On August 15, a prominent case developed when Luton Mondol of Jessore allegedly raped a 10th grade female student on her way home from class. On August 23, the girl committed suicide after the case became public. On August 25, the girl's father filed a criminal

complaint against Luton and his father. Luton fled, and police arrested and jailed his father, although no charges were filed against the father.

Despite advances, including establishing a monitoring agency in the MHA, trafficking of children and providing care and protection to survivors of trafficking continued to be a problem. Child labor and abuse at the workplace remained a problem in certain industries, mostly in the informal sector, and child workers were vulnerable to all forms of abuse at their informal workplaces.

Child Marriage: The legal age of marriage is 18 for women and 21 for men, but underage marriage was a widespread problem. Reliable statistics concerning underage marriage were difficult to find because marriage and birth registrations were sporadic. The UN's *State of the World's Children 2012* report stated that between 2000 and 2010 the percentage of women between the ages of 20 and 24 who were married by the age of 18 was 66 percent and that 32 percent were married by the age of 15. In an effort to reduce child marriages, the government offered stipends for girls' school expenses beyond the compulsory eighth grade level. The government and NGOs conducted workshops and public events to teach parents the importance of waiting until their daughters were 18 to marry. However, due to cultural and traditional beliefs and practices, the practice of early marriage continued.

Sexual Exploitation of Children: The penalty for sexual exploitation of children is 10 years to life imprisonment. As defined by the Women and Children's Repression Prevention Act, the minimum age of consent to sex is 16; however, the penal code sets the age at 14. The discrepancy has not been challenged in court. Child pornography, the selling or distributing of obscene material, is prohibited, and the Pornography Control Act passed in March sets the maximum penalty at 10 years in prison coupled with a fine of 500,000 taka (approximately \$6,200). The previous penalty was three months' imprisonment. In 2009 the International Labor Organization (ILO) and the Bangladesh Bureau of Statistics completed a baseline survey on commercial sexual exploitation of children. According to the survey, of 18,902 child victims of sexual exploitation, 83 percent were girls, 9 percent were transgender children, and 8 percent were boys. The survey reported that 40 percent of the girls and 53 percent of the boys were under the age of 16.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

## **Anti-Semitism**

There was no Jewish community in the country, and there were no reports of anti-Semitic acts, but some newspapers occasionally printed anti-Semitic articles and commentary.

### **Trafficking in Persons**

See the State Department's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

The law provides for equal treatment and freedom from discrimination for persons with disabilities; however, persons with disabilities faced social and economic discrimination. The law focuses on prevention of disability, treatment, education, rehabilitation, employment, transport accessibility, and advocacy.

The law's effect was limited due to vague obligations, a weak implementation mechanism, and a sweeping indemnity clause. Most provisions create positive obligations, which were difficult to enforce. For example, the obligation on the government to provide persons with disabilities free education until the age of 18 has not been translated into tangible results. The law exempts all government employees from prosecution, limiting enforcement. The law provides inadequate safeguards against involuntary institutionalization and minimal oversight of guardians and caregivers.

The NGO Action against Disability estimated that there were 16 million persons with disabilities, or 10 percent of the population. The government estimated a lower figure of 1.5 to 2 percent of the population.

The law excludes children with "mental deficiency" from compulsory public education. According to Action against Disability, 90 percent of children with disabilities are barred from attending public school. The government trained teachers on inclusive education and recruited disability specialists at the district level. The government also allocated stipends for 19,000 students with disabilities. Additionally, the government began a vocational skills training program for persons with disabilities.

In March the high court ruled that persons with disabilities could take the Bangladesh Civil Service examinations. Persons with disabilities had previously been barred from applying for civil or judicial service positions.

The law contains extensive accessibility requirements for new buildings. In practice, however, authorities approved construction plans for new buildings without close compliance with these requirements.

The law afforded persons with disabilities the same access to information rights as those without disabilities, but family and community dynamics often influenced whether or not these rights were exercised.

The law identifies persons with disabilities as a priority group for government-sponsored legal services. The Ministry of Social Welfare, Department of Social Services, and National Foundation for the Development of the Disabled are the government agencies responsible for protecting the rights of persons with disabilities. Due to inaccessibility and discrimination, persons with disabilities were sometimes excluded from mainstream government health, education, and social protective services. The government reduced taxes on several hundred items designed to assist persons with disabilities.

Government facilities for treating persons with mental disabilities were inadequate. The Ministry of Health established child development centers in all public medical colleges to assess neurological disabilities. Several private initiatives existed for medical and vocational rehabilitation as well as for employment of persons with disabilities. National and international NGOs provided services and advocated for persons with disabilities. The government also promoted autism research and awareness.

### **National/Racial/Ethnic Minorities**

On September 29 and 30, communal attacks occurred against more than 100 Buddhist homes, temples, and monasteries in the Cox's Bazar district. The prime minister and home minister strongly condemned the violence and pledged to find the perpetrators. By October 11, police had arrested 284 persons in connection with the violence. On November 8, the MHA released the report of its official investigative body on the attacks, which stated that the violence was planned at least 10 days in advance, implicated 205 persons, and cited local law enforcement's failure to act promptly and swiftly. The report blamed then superintendent of police of Cox's Bazar Selim Md Jahangir and then officer in charge of the Ramu police station AK Nazibul Islam for failing to take appropriate measures and for neglecting their official duties. Both officers were withdrawn from their duty stations and assigned elsewhere.

## Indigenous People

The indigenous community experienced widespread discrimination and abuses, despite government quotas for indigenous participation in the civil service and higher education as called for in the 1997 Peace Accord. Indigenous people were unable to participate effectively in decisions affecting their lands due to disagreements regarding the structure and policies of the land commission. Strict security measures prevented some indigenous people and activists' efforts to combat discrimination.

Indigenous people also suffered from societal violence. According to Odhikar, clashes between ethnic Bengali settlers and members of the indigenous community, as well as other forms of violence, led to 30 deaths, 78 injuries, and 15 rapes. The largest instance of societal violence against the indigenous community occurred in Rangamati on September 22, when rioters injured 50 to 100 individuals and looted stores, homes, and marketplaces. Law enforcement officials stopped the violence and banned public gatherings, shut offices, and banned vehicle traffic for two days. The government called a committee of inquiry into the attack, but at year's end had not released any information about the perpetrators. The committee recommended exemplary punishment for those responsible and made several recommendations to maintain peace in the town. The committee concluded that the incident occurred due to lack of trust between the indigenous and Bengali communities and urged full implementation of the Peace Accord.

The indigenous community was restricted from practicing its culture and traditions. The government does not officially recognize the presence of indigenous people in the country, calling them instead "small ethnic groups." On March 11, in a letter to local officials in anticipation of World Indigenous Day on August 9, the Ministry of Local Governance and Rural Development called it an "unnecessary celebration program" and ordered officials to broadcast that there were no indigenous people in the country. Indigenous people were prohibited from observing the day, which in the past included music, seminars, fairs, and rallies.

Indigenous groups and NGOs reported increased monitoring by civilian and military intelligence agencies. The CHT Commission, an international private group that worked to implement the Peace Accord, reported constant physical surveillance during its visit to the Bandarban district in January, which prevented it from conducting private meetings. Authorities evicted three foreigners from the

CHT for “suspicious activities,” such as speaking with journalists and visiting development projects.

The central government retained authority over land use. The land commission, designed to investigate and return all illegally acquired land, did not resolve any disputes throughout the year, as Bengalis and indigenous people questioned the structure and impartiality of the commission.

Indigenous communities in areas other than the Hill Tracts reported the loss of land to Bengali Muslims. The government did not curtail work on land traditionally owned by indigenous communities in the Moulvibazar and Modhupur forest areas, nor did it undertake any new activities. Indigenous communities, local human rights organizations, and churches in those areas claimed that the government had yet to withdraw thousands of false charges that the Forestry Department had filed against indigenous residents.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Consensual same-sex sexual activity is illegal, but the law was not enforced. Lesbian, gay, bisexual, and transgender (LGBT) groups reported that police used the law as a pretext to bully LGBT individuals, particularly those seen as effeminate men. There were several informal support networks for gays, but organizations to assist lesbians were rare. Gays and lesbians often faced strong family pressure to marry opposite-sex partners.

Attacks on LGBT persons occurred on occasion, but those offenses were difficult to document because victims desired confidentiality. The Bandhu Social Welfare Society, a local NGO, reported 137 cases of assault against LGBT persons during the year, as compared with 109 in 2011. Strong social stigma based on sexual orientation was common and prevented open discussion of the subject.

The Ministries of Public Administration and Education conducted a pilot project to help integrate transgender persons into mainstream society. The project gave transgender persons 90 days of job skills training, began an awareness program to change negative views of the community, and established a foundation for transgender persons to continue the program.

On June 21, Nobel Peace Prize laureate Mohammad Yunus publicly expressed solidarity with LGBT individuals and condemned violence against them in a joint



statement with three other Nobel laureates. The statement acknowledged the legacy of colonial-era legislation and called the criminalization of adult, consensual same sex activity unacceptable.

### **Other Societal Violence or Discrimination**

Vigilante killings occurred during the year, and reports from rights organizations and the media suggested that the problem increased compared with 2010. Odhikar reported at least 132 killings through mob justice, but local human rights organizations acknowledged that the number of reported cases probably represented only a fraction of the actual incidents. One prominent abuse case was that of Mamun Bhuiyan from Kaliganj, Gazipur, who died on May 29 after being beaten by rivals. After an investigation, the MHA concluded that Bhuiyan's rivals killed him in front of police after taking him from police custody.

Illegal fatwas and village arbitration, which Odhikar defined as rulings given by community leaders rather than religious scholars, also occurred. Odhikar reported 17 such cases throughout the year against both men and women.

There were no reported cases of violence or discrimination against HIV/AIDS patients. NGOs believed that this was partly a function of the refusal of victims to identify themselves and an absence of research due to the relatively low rate of HIV/AIDS in the country.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the protection of the right to join unions and, with government approval, the right to form a union, although numerous restrictions on union registration remained. For example, the law requires more than 30 percent of an enterprise's total workforce to be members before approval can be granted, and the union can be dissolved if membership falls below 30 percent. In addition, no more than three trade unions can be registered in any establishment, and managerial staff, firefighting staff, security guards, and other employees designated by employers as "confidential" may not join a union. Civil service and security force employees are legally prohibited from forming unions.

The registrar of trade unions may deregister unions with the approval of a labor court, and during the year some unions were deregistered for violations of the law.

The law affords unions the right of appeal in the case of dissolution or denial of registration.

The law recognizes the right to strike but with many limitations. For example, 75 percent of union members must consent to a strike before it can proceed. The government can terminate any strike lasting more than 30 days and refer the matter to labor courts for adjudication. The law additionally prohibits strikes for the first three years of commercial production or if the factory was built with foreign investment or owned by a foreign investor.

The law includes provisions protecting unions from employer interference in organizing activities; however, employers, particularly in the ready-made garment industry, often sought to curtail this right. The law requires every factory to have a participation committee, but the Ministry of Labor reported there were no such committees in approximately 40 percent of factories.

Under the law, legally registered unions are entitled to bargain collectively with employers; however, this was rarely implemented. Labor organizations reported that in some companies workers feared reprisals and did not exercise their collective bargaining rights.

The law establishes mechanisms for conciliation, arbitration, and dispute resolution by a labor court. Workers in a collective-bargaining union have the right to strike in the event of a failure to reach a settlement. Civil servants and security forces do not have recourse to mechanisms for conciliation, arbitration, and labor court resolution; however, they may avail themselves of the government service regulation and file cases in a specified court, such as an administrative tribunal. In practice few strikes followed the cumbersome legal requirements, and strikes or walkouts often occurred spontaneously.

The director of labor rules on discrimination complaints involving union organizing activities except those in export processing zones (EPZs). Union activists alleged that the Ministry of Labor shared lists of union supporters with enterprises, leading to antiunion firings. A labor court can order the reinstatement of workers fired for union activities. However, due to a large backlog of unresolved cases, no workers received reinstatement orders during the year. Odhikar reported that 2,712 garment workers were terminated for demanding increased wages, overtime payment, customary holiday bonuses, or punishment of factory staff accused of harassing workers.

The law specifies association rights in the EPZs. Welfare associations provided for by the law are afforded many of the same basic powers as unions, including the right to engage in collective bargaining. Under the law a labor court functions as the EPZ labor tribunal, and EPZ workers can file complaints to enforce broader legal rights in the EPZs. Welfare associations are prohibited, however, from establishing any connection to outside political parties or NGOs, and the law prohibits strikes until October 31, 2013.

Many workers associations in EPZ factories were not formally registered because factory managers discouraged employees attempting to organize associations. Some factory managers strongly discouraged workers from meeting with outside labor organizations and sometimes terminated workers who did. The Bangladesh EPZ Authority failed to provide effective measures to allow the formation of federations of workers.

EPZ factory officials interpreted EPZ regulations and applicable laws narrowly and claimed they were exempted from the broader labor law. Labor groups challenged this claim. Workers' legal cases against EPZ factories that did not follow the law remained unresolved at year's end.

Factory workers in the garment industry who held protests to demand increased wages were generally met by riot police. In June garments workers protested for 10 days in Ashulia, demanding a wage increase to keep up with inflation and higher food prices. The Bangladesh Garments Manufacturers and Exporters Association closed 300 factories during the unrest. The Ministry of Labor formed a crisis management committee that mediated a solution by offering food subsidies to workers.

Labor organizers reported acts of intimidation and abuse, arbitrary lockouts, firing of employees, and increased scrutiny by security forces and the NSI. Authorities sometimes arrested labor organizers for destruction of property and other charges, in what some NGOs considered repression of labor rights activists.

On April 4, Aminul Islam, an organizer for the Bangladesh Garments and Industrial Workers Federation (BGIWF) and staff member of the BCWS disappeared from Savar in Dhaka division and was found dead on April 8 in Ghatail, Tangail. Media reports indicated his body showed signs of torture. The government's investigation suggested that Aminul might have been killed due to his union-organizing activities. The primary suspect in the case, Mustafiz, may

have been an informant for the NSI and has not been seen since Aminul's death. As of the end of the year, no charges had been filed.

BCWS leaders continued to face criminal charges for participating in demonstrations in 2010 for increased wages. The government dropped charges in one case two-and-a-half years after its filing. Another 10 cases remained outstanding against labor federation leaders at year's end. The BCWS remained deregistered because the government would not approve its application.

Implementation of the collective bargaining law's provisions was uneven, and many private sector employers discouraged union activity or terminated workers after forming unions. Labor rights NGOs alleged that terminated union members were unable to find work in the sector because they had been blacklisted.

The Bangladesh Export Processing Zone Association (BEPZA) obstructed the rights of workers in the Rosita Knitwear and Megatex Knitters factories in the Ishwardi EPZ. After a workers' demonstration on January 30, factory owners terminated 291 workers, including the elected presidents of the welfare associations. The workers and buyers successfully negotiated the workers' reinstatement, but the BEPZA did not allow their reemployment. The BEPZA asserted that there were no regulations to require reinstatement of workers and no precedent for reemployment, notwithstanding that workers of Ringshine Textiles were reinstated at a Dhaka EPZ factory in 2006.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or bonded labor; however, the prescribed penalty of imprisonment for up to one year or a fine was not sufficiently stringent to deter violations, and the government did not enforce the law effectively. Inspection mechanisms that enforced laws against forced labor did not function effectively.

Some men recruited to work overseas with fraudulent employment offers were subsequently exploited abroad under conditions of forced labor or debt bondage. The law does not include a specific prohibition on fraudulent recruitment, but it cites the concept of fraud as a possible element of human trafficking.

Although relatively uncommon in urban areas, there were instances of bonded labor in rural areas and in domestic service. Children and adults were forced into domestic servitude and bonded labor that involved restricted movement,

nonpayment of wages, threats, and physical or sexual abuse. On February 20, the government passed a comprehensive antitrafficking law, which codified forced labor as trafficking and expanded the definition of trafficking to include labor trafficking of men and boys. The MHA chaired an interagency committee to implement a two-year National Plan of Action to combat trafficking. Traffickers are subject to life imprisonment plus a fine of 500,000 taka (approximately \$6,200). The law also provides that victims of forced labor have access to shelter and other protective services afforded to trafficking victims.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

By law every child must attend school through the age of 10, but there was no effective legal mechanism to enforce this provision, and child labor was widespread. The law regulates child employment, depending on the type of work and the child's age. The minimum age for work is 14, and the minimum age for hazardous work is 18. The law allows for certain exceptions, permitting children who are 12 or 13 to perform restricted forms of light work. The law specifies penalties for child labor violations, typically nominal fines of less than 5,000 taka (\$62).

The ILO estimated that 3.7 million children worked and that 1.3 million worked in hazardous sectors.

Children frequently worked in the informal sector in areas including the road transport industry, manufacturing, and the service industry. Children also worked in such hazardous activities as stone breaking, dyeing operations, blacksmith assistance, and construction. Forced child labor was present in the fish-drying industry, which exposed them to harmful chemicals, dangerous machines, and long hours of work. In urban areas street children engaged in work, such as begging, working as porters, shining shoes, collecting paper, and selling flowers. These children were vulnerable to exploitation, for example to engage in smuggling or selling drugs.

Children routinely performed domestic work. The government occasionally brought criminal charges against employers who abused domestic servants.

The Ministry of Labor's enforcement mechanisms were insufficient for the large, urban informal sector, and there was little enforcement of child labor laws outside the export garment and shrimp-processing sectors. Agriculture and other informal sectors that had no government oversight employed large numbers of children.

The Child Labor Unit in the Ministry of Labor and Employment monitored, coordinated, and supervised child labor programs. In 2011 the Child Labor Unit developed a Child Labor Monitoring Information System to manage child labor-related data collected by different ministries. The government also developed a national program to eliminate the worst forms of child labor by 2015. The program includes monitoring workplaces and education for children and their families.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

For the five-year period 2007-12, the National Minimum Wage Board (NMWB) established the minimum monthly wage at 1,500 taka (\$19) for all economic sectors not covered by industry-specific wages. The NMWB may convene at any time, but it must meet every five years in a tripartite forum to set wage structures and benefits industry by industry. In the garment industry the Ministry of Labor raised the minimum wage in 2010 from 1,662 taka (\$21) per month to 3,000 taka (\$37) per month. Wages were sometimes higher than the minimum wage, and wages in the EPZs were typically higher than general wage levels. None of the set minimum wages provided a sufficient standard of living for urban dwellers. The International Food Policy Research Institute estimated the national poverty income level to be 1,487 taka (\$18) per capita per month. There was no mechanism to keep the minimum wage in line with inflation, which averaged 10 percent since the wage was last increased in 2010.

By law a standard workday is eight hours. A standard workweek is 48 hours but can be extended to 60 hours, subject to the payment of an overtime allowance that is double the basic wage. The average workweek should not exceed 56 hours. Workers must have one hour of rest if they work for more than six hours a day, a half-hour of rest for more than five hours a day, and one hour's rest at intervals for more than eight hours' work in a day. Factory workers receive one day off every week. Shop workers receive one-and-a-half days off per week.

In practice these legal limits were routinely violated, and enforcement of the law was weak. In the ready-made garment sector, employers often required workers to labor 12 hours a day or more to meet export deadlines, but they did not always properly compensate workers for their time. Employers commonly delayed workers' pay or denied full leave benefits.

The law establishes occupational health and safety standards. Workers' groups stated that the standards established by law were sufficient but that they were not routinely enforced. Workers can invoke legal mechanisms to enforce the law but did so in few cases. Enforcement by the Labor Ministry's industrial inspectors was weak due to the low number of labor inspectors. There were 91 inspectors nationwide, of whom approximately 52 worked in the factories division; 92 inspector positions remained vacant. Inspections were unannounced, but in practice inspectors sometimes notified factory owners. The law provides for a maximum fine of 25,000 taka (approximately \$309) for noncompliance, but this did not deter violations.

Safety conditions at many workplaces were extremely poor. Because of high unemployment rates and inadequate enforcement of laws, workers who demanded redress for dangerous working conditions or who refused to work under hazardous conditions risked losing their jobs. On November 24, a factory fire at Tazreen Fashions Ltd. killed at least 110 workers. The fire department stated that an electrical short circuit likely caused the fire, but poor management contributed to the high death toll. Victims stated their managers locked one exit route and told workers that the fire alarm was false, thereby delaying timely evacuation. The incident exposed weak safety regulations in the garments sector, as the factory building also lacked an external fire escape route, emergency lighting in the work area, and a sprinkler system.

On October 9, HRW reported on labor conditions in 150 tanneries in Dhaka's Hazaribagh neighborhood. The report claimed that tanneries mistreated workers with impunity, since the government did not enforce labor laws there. HRW researchers found instances of child labor, worker exposure to toxic chemicals without the use of protective gear, and frequent life-threatening injuries due to operating dangerous machinery.

On April 23, the Solidarity Center and Social Activities for Environment released a joint report on inadequate health and safety protections in the shrimp-processing industry. Nearly three-quarters of the workers surveyed for the report stated that they received payments below the minimum wage. The majority of workers

surveyed did not have an employment contract. Women reported earning less than men for the same work, and only eight of 145 shrimp factories reportedly had unions.

No reliable labor statistics were available on the large informal sector in which the majority of citizens worked, and it was difficult to enforce labor laws in the sector. The ILO reported that 47.3 million of the 56.7 million workers in the country were employed in the informal sector.