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## Human Rights in Bangladesh: Stresses on the Period of 2009 to 2012

Haradhan Kumar Mohajan

### ABSTRACT

This paper is about human rights in Bangladesh and stresses on the period of 2009 to 2012. Bangladesh is a Parliamentary Democratic and densely populated country in South Asia. Human rights are parts and parcel in a democratic country. In a country if human rights are violated then the country cannot be developed and the democracy of that country becomes weak. Human rights are violated in every country of the world. But extrajudicial killings like crossfire and death in custody, abduction, child labor, violence of workers' rights, violence of women rights, women and children trafficking, public lynching, death penalty and discriminations on religion minorities and indigenous people are alarming in Bangladesh. This paper also discusses civil and political rights, social and economic rights and violation of these rights in Bangladesh.

**JEL. Classification:** E24, J24, O15.

**Keywords:** Crossfire, Death Penalty, Democracy, Extra judicial Killings, Human rights.

## 1. INTRODUCTION

### 1. 1 Background

Bangladesh is a Parliamentary Democratic country with broad powers exercised by the Prime Minister situated in the South Asia, with 300 directly elected Members of Parliament. In 1971 it became independent from Pakistan. From 1974 to 1990 it was under military rule and in 1991 it transits to peaceful democracy. From 1991 Bangladesh Nationalist Party (BNP) and Awami League (AL) are ruling the country by turns (Caretaker Governments ruled some periods after the end of the periods of the elected governments to perform the elections neutrally). Opposition parties always walk out from Parliament and calls strikes for minor or major issues as Bengali political culture. In strikes picketers destruct both private and public assets and police forces seriously torture the picketers.

Bangladesh ratified twelve United Nations (UN) Human Rights Treaties and Four Optional Protocols and became member of the UN Human Rights Council in May 2006. The Constitution provides for freedom of assembly, the right to join trade unions and the right to practice the religion of one's choice. It also prohibits discrimination against women, children, minorities, disabled people, human trafficking, and forced or bonded labor. But legal practice of these rules are very weak (BECCSP 2007).

In terms of health indicators, mortality rates of infant and children under-five of Bangladesh are the second lowest following Sri Lanka in South Asia and the numbers of doctors and rates of births attended by skilled health staff are the second lowest in the region. But infant and children under five mortality rates, and maternal mortality rate declined and are declining continuously due to public consciousness and development activities of government and various NGOs. Regarding gender indicators, girls' primary school enrolment rate is 86% which is higher than that of boys. Women's employment rate of 67% is higher than those of neighboring countries (PP 2007). According to the National Child Labor Survey of 2003 about

3.2 million children between the ages of 5 and 14 were working and some of them are in dangerous and harmful conditions (Mohajan 2012c).

The Rapid Action Battalion (RAB) has established in 2004 but it has been criticized for killing many suspected people by “cross firing”. Both BNP and AL show no strong support to stop violence against political oppositions, civil and human right activists, minorities and journalists. Torture and other cruel, inhuman or degrading treatment are extremely common in the hands of the law enforcement agencies in Bangladesh. The social, health, educational, housing, employment, economic and cultural rights are considered as human rights. Most of the poor citizens are deprived from these rights and they think that these are the rights of rich and masterminded people.

Bangladesh is a Muslim dominated country and about 90% of the populations are Muslim. The government is sensitive to the Muslim consciousness as the majority of its citizens. Violations of human rights of indigenous and religion minorities frequently happen. The minority oppressions started in the year 1947 when Indian subcontinent divided into two parts India and Pakistan in the basis of race and religion. Hindus are the largest group among the minority communities and other religious minorities are Buddhists and Christians and some indigenous communities. In the culture and education, Hinduism is the most advanced and dominant community not only among the minorities but also among the majorities.

In March 2011 dismissal of Nobel laureate and political critic Dr. Muhammad Yunus as the managing director of Grameen Bank indicates that the current government has little patience for dissident voices. Dr. Yunus’s removal clears that the current government will not hesitate to push forward state frontiers to maintain its control over civil space (Quadir 2011). The creation of the National Social Commission in April 2009 was also seen as a political move by the government to control both NGOs and the flow of foreign funds directed at different NGO programs, as the commission, composed of different government agencies, was given the power to cancel NGO registration (Gomes 2009). In 15 March 2011, the commission cancelled the registration of 550 NGOs allegedly involved in corruption, anti-government activities, patronizing militant organizations, and misuse of foreign funds (TDNT 2011).

## **2. DEMOCRACY AND HUMAN RIGHTS**

Human rights are important items in democracy and development of a country. In a country if human rights are violated then the country cannot be developed and the democracy of that country becomes weak. According to Mahatma Gandhi (1869-1948), leader of India’s non-violent struggle for freedom, the definition of democracy is as following:

“My notion of democracy is that under it, the weakest should have the same opportunity as the strongest.”

Again according to Thomas Jefferson (1743-1826), author of the ‘Declaration of Independence’, 3rd President of the USA, the definition of good government is as follows:

“The care of human life and happiness and not their destruction is the only object of good government.”

Abraham Lincoln (1809-1865), the former President of the USA, in his historical speech of the Gettysburg, express that,

“The government is of the people, by the people and for the people.”

Human rights are secure in a democratic country rather than a country which is foreign domination or military regimes or authoritarian dictatorships or one-party rule. The human rights structure offers the key means to move from basic electoral democracy to the fully-fledged version. The purpose of democracy is human rights protection and is to uphold the dignity of every individual and to ensure that the voices of the weakest are also heard whose aims are freedom, equality, alliance, accommodation of diversity and the assurance of justice strengthen. The government must keep the borders safe and keep the law and order situation under control. The Parliamentarians Democracy must actively work to promote people’s welfare, rejecting all forms of discrimination and exclusion, facilitate development with equity and justice, and encourage the most comprehensive and full participation of citizens in decision making and action on diverse issues affecting society.

Poverty is a condition created by chronic situations where individuals, families and entire communities are deprived, which often causes in homelessness, lack of education, poor-health, lack of opportunities for livelihood, and the inability to access public services or indeed justice itself. All these violate internationally recognized human rights standards such as the right to adequate housing, to educational opportunities, to health facilities, to work, to livelihood and to seek justice.

Bangladesh is vulnerable to natural disasters, particularly floods and cyclone which not only kill many people, but also make households economically poor when main income earners die. Floods and cyclone destroy various infrastructures such as residential places, road networks, educational facilities, markets and administrative offices as well.

### 3. BASIC HUMAN RIGHTS AND HEALTH RIGHTS

World Health Organization (WHO) shows the relationship between the health and human rights and expresses that “the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, social and economic condition” (WHO 1986a). The United Nation’s Universal Declaration of Human Rights (UDHR 1948) and the United Nation’s International Covenant on Economic, Social and Cultural Rights (UNICESCR 1966) further pronounce the appropriateness of health and human rights for the well being of the individuals and the family. Article 25 of UDHR indicates that “everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control” (UNUDHR 1948). The health right requires three obligations on states as follows (Gostin 2001):

- to respect the right to health,
- to protect the right to health, and
- to fulfill and to promote the enjoyment of the right to health.

The government should respect the health rights of every individual of the country through protecting them from illness and diseases, facilitating and providing minimum basic services and health promotion. The state should maintain minimum basic conditions of the institutional facilities to provide health services to every individual irrespective of caste, class, creed,

religion, and geographical location. The state should need to promote health rights to individuals and provide necessary services to ensure safe food, hygienic shelter, drinkable water, sanitation and medicines. Health promotion also includes legislative, financial, societal, and organizational change to promote healthy life styles for the well-being of the citizens (WHO 1986b).

Health gives a plan to maximize the benefit of social good irrespective of social strata, class, race, sex, and religion. Health is universally documented as an important aspect of human development. Without the development of public health, overall development of the country is not possible.

In Bangladesh infant and children under five mortality rates, short height for age, and underweight for age are high in low-income families. The government of Bangladesh is unable to secure basic rights of its population, such as food, clothing, shelter etc. Many Bangladeshi citizens are overwhelmingly affected by macro- and micro-nutrient deficiencies. In every year more than 30,000 children become blind due to Vitamin A deficiency. More than half of the populations of Bangladesh are affected by iodine deficiency, including 80% of children. The effects of malnutrition are also compounded by inadequate utilization of nutrients, given difficult conditions in terms of access to water, sanitation, health services (UNESC 2004; Mohajan 2012c).

The Constitution of Bangladesh states “All citizens are equal before the law and are entitled to equal protection by the law”. But really the government did not strongly enforce laws aimed at eliminating discrimination. Women, children, minority groups, opposition party supporters and people with disabilities often confronted social and economic discriminations. According to Human Rights Watch, considerable official and societal discrimination existed against those who provided HIV prevention services, and against high-risk groups likely to spread HIV/AIDS.

### **3.1 Procedure of Election 2010**

In 2010 two elections are held in Bangladesh, one is by election Bhola-3 and another is Mayoral election of Chittagong City Corporation.

#### **3.1.1 By-election in Bhola-3, 2010**

The by-elections in the Bhola-3 constituency were stained by violence, irregularities, and attacks on political opponents. In the election there were threats on voters, forced expulsion; rape and gang rape have been occurred. According to Odhikar’s records, a total of 218 people were reported injured during the Bhola-3 by election violence, among them, 109 were injured in pre-election violence, 46 on election day and 63 in post-election violence (Odhikar 2011). Polling agents of BNP were forced to remain out of the fray.

Violence to drive the polling agents and to prevent people from casting their votes was reported, including alleged incidents that the polling agents of the BNP candidate were driven out from various polling centers (TDS 2010, 25 April). Upazila (Sub-district) BNP unit claimed that more than 50 BNP activists were beaten and forcefully evicted from Char Zahiruddin by the AL activists (TDKK 2010, 27 April). A group of ruling party cadres chased voters with sticks when they were going to the Banglabazar polling centre in Charbhuta Union under Lalmohan Upazila (TDPA, 2010, April). In another incident (TDNA, 2010, 30 April) at

the Lalmohan Public Library Centre, about 300 meters from the Lalmohan Police Station, no BNP polling agent was allowed to function. At this centre, according to an election official, the total number of votes cast was more than the number of voters (TDNAMX 2010, 30 April). A disabled girl was ill-treated and beaten up by a group of criminals in Keyamulla village of Chandpur Union under Tajumuddin Upazila. The criminals also attacked the girl's mother and left her seriously wounded when she tried to protect her daughter. According to the mother of the victim, a group of criminals identified themselves as AL supporters and beat them up as they voted for the BNP candidate (TDAS 2010, 27 April).

It was accounted that the wife and daughter of an opposition BNP activist, Shafi Majhi, from Kochuakhali village of South Charumed union under Lalmohan Upazila, were raped by AL activists on 24 April 2010. According to Shafi Majhi, AL activists Siraj, Saiful, Shohag, Abdul and Jewel entered his house at mid-night and tied him up. Saiful and Jewel raped his daughter (a student of class nine). His wife was also raped by Shohag and Abdul when she tried to save her daughter. Later they threatened Shafi Majhi not to disclose this matter (TDAD, 2010, 26 April). A female leader of the local BNP unit at Chhatra Union in Tajumuddin Upazila was allegedly gang raped by a group of criminals who as reported, belonged to the Jubo League (Youth wing of AL).

### **3.1.2 Chittagong City Corporation Mayoral Election**

The 4th Chittagong City Corporation election for the post of Mayor performed comparatively peacefully, where a BNP candidate defeated the sitting Mayor belonging to the ruling party. The election was held on 17 June 2010, where the voters' turnout was considerably low. Violence and irregularities in Chittagong City Corporation Election was negligible and this is the first fairest and successful election by the AL government (Odhikar 2011).

## **4. POLITICAL SITUATION**

### **4.1 Inter and Intra-Party Violence**

Political violence begins immediately after the present AL government comes to power in 2009. The majority of these violent acts were committed by the supporters of the ruling political party. The main causes of violence were, tender manipulation, land grabbing, extortion, exercising power in different institutions, and enmity. A total of 220 people were killed and 13,999 injured and 3,010 were arrested in political violence in 2010. There were also 576 incidents of inter-party clashes in the AL and 92 within the BNP recorded during this period. In addition, 38 people were killed in AL intra-party clashes while 5,614 were injured. On the other hand 7 people were killed and 1,146 injured in BNP's intra-party clashes. The authorities applied section 144 of the Code of Criminal Procedure 114 times to stop political gatherings. In Bangladesh Section 144 of the Code of Criminal Procedure allows a Magistrate to give a temporary order for the cessation of activities if anyone considers such activity to be, among other things, disruptive of public harmony or endanger human life or be a danger to health or deems such activity to be a riot (Odhikar 2011).

### **4.2 Hartal (Strike)**

Hartal is a closing down of daily activities to protest against the government which disrupts the rights of others and keep the government in pressure which is a violation of human rights. In 2010, three countrywide dawn to dusk hartals were observed by BNP. Hartal supporters

havoc the public and private assets, which affects poor people who are the main victims of strike because they cannot find work and have to starve. On the other hand, law enforcement agencies attack the picketers and torture heavily which is also violation of human right (Odhikar 2011). In 2012 BNP observed dawn to dusk hartals for several days following the abduction of a leader Eleas Ali of BNP.

## 5. VIOLATIONS OF HUMAN RIGHTS

During BNP alliance ruling period (when BNP came in power in 2001) the countrywide joint security forces drive anti-crime named “Operation Clean Heart” which caused an estimated 50 deaths and involved an unknown number of torture victims. Bangladesh went into a major political crisis, during the democratic government, in late 2006, when the BNP-dominated coalition government failed to reach an agreement with the 14-party AL-led Grand Alliance over the formation of a caretaker government to hold parliamentary elections in January 2007. The mainstream opposition took to the streets and the situation eventually deteriorated to political anarchy in December 2006 which turned to rioting and killing of political party members by rival groups. Taking the opportunity of the widespread political violence and deteriorating security situation, the military quietly seized power on 11 January 2007 and Caretaker President Fakhruddin Ahmed declared a state of emergency (Quadir 2011). In 29 December 2008 national election, Sheikh Hasina’s AL-led alliance come to power with 262 seats in country’s 300 seat parliament but returning to democracy has failed to establish good governance, human rights, and the rule of law. The party’s election manifesto was to strengthen National Human Rights Commission and enhance press freedom, including by ending intimidation and persecution of journalists but in practice it violates human rights without implementing the election manifesto.

### 5.1 Extrajudicial Killings

The AL government of Bangladesh assured that extrajudicial killings will be stopped but in practice it is increasing continuously. The law enforcement organizations have continued killing suspected criminals, members of the radical left political parties, or simply innocent people by mistake without due process of law. In 2010, about 127 people were killed extrajudicially, among them 68 were killed by RAB, 43 by the police, 9 people jointly killed by RAB and police, 3 by the joint operation of RAB and Coast Guard, 3 by the joint operation of RAB, Police and Coast Guard and 1 by BDR (Bangladesh Rifles, now renamed the Border Guards Bangladesh, BGB). All reported occurrences of extrajudicial killings include 101 killed in so-called ‘cross firing’ and 22 were killed by torture, 2 were allegedly beaten to death by RAB and BDR, and the rest 2 were shot dead by police forces (Odhikar 2011). On 26 January 2011, Home Minister of Bangladesh, Sahara Khatun stated that no extrajudicial killing had occurred during the tenure of the present (AL) government and she had suggested that all the killings were made in self defense (TDS 2011, 28 January).

On 23<sup>rd</sup> March 2011, Limon Hossain, a 16 year old student was shot in the leg by RAB officers in Jhalakathi. His injuries were so severe that after four days of the incident his leg had to be amputated. His family members said that he had been shot while bringing the cattle back from the fields. Like the families of many other victims, they said that RAB had no reason to shoot Limon, and that the officers involved should be brought to justice. At a press conference immediately after the incident, the director general of RAB admitted that “Limon Hossain was not a notorious criminal but rather a victim of a shoot-out between the RAB and criminals”. But later he denied his comment (AI 2011b).

In 2004, the government of Bangladesh (BNP) formed RAB, primarily from military officers, created to much public praise, to combat criminal gang activity throughout the country (AI 2011b).

Shahjahan Khan, Shipping Minister of Bangladesh Government in 2009 said:

“There are incidents of trials that are not possible under the laws of the land. “The government will need to continue with extra-judicial killings commonly called cross firing, until terrorist activities and extortion are uprooted”. (TDS 2010, 22 December).

Dr Mizanur Rahman, Chairman of the National Human Rights Commission of Bangladesh on 9<sup>th</sup> February 2011 while addressing the inaugural ceremony of a seminar on Universal Periodic Review (UPR) follow-up and implementation organized by the Ministry of Foreign Affairs of Bangladesh and the Commonwealth Secretariat Expressed that,

“Any extrajudicial killing is a sad thing and this is not tolerable. There is a possibility that one can kill another in self-defense, but whether the killing was in self-defense or not should be decided by the court. If the court gives the verdict that a police or RAB officer killed a particular person in a shootout in self-defense then we will be satisfied” (HRR 2012; IEK 2011).

It is widely accepted that the RAB was used by BNP to suppress political opposition, mainly the AL. The RAB had some partial success in restricting crimes. But since 2004, the FCO estimates that more than 1,300 people have allegedly been killed by law enforcement agencies (UK, FCO). No doubt the majority of killings have been carried out by the RAB. In 2010 the RAB itself has admitted killing of more than 600 people since 2004. The present Prime Minister (AL) and her party opposed the RAB when in opposition. Soon after the December 2008 elections, the AL-led government promised zero-tolerance for extrajudicial killings. They promised that all perpetrators of extrajudicial killings would be brought to justice. In 2010 the PM (AL) told human rights groups that the government does not order the RAB to target members of the opposition nor order the killing of specific individuals (TIKN News 2010).

In the UPR session on 3 February 2009, Foreign Minister of Bangladesh, Dr. Dipu Moni said that the government would show “zero tolerance” to extrajudicial killing or torture and death in custody. She stated “We do not condone any such incident and will bring the responsible officials to justice” (TDS 2009, 2 May). From 4<sup>th</sup> February 2009 to 3<sup>rd</sup> February 2011 about 279 accounts of extrajudicial killings took place. Independent and impartial investigation and effective measures were not taken to prosecute people found responsible for such deaths, which is against the government’s declaration of ‘zero tolerance’ (Odhikar and FIDH 2011).

On 25<sup>th</sup> May 2012 Amnesty International expressed that the extrajudicial killings are not stopped in Bangladesh. More than 54 extrajudicial killings against RAB in 2011 were not investigated or judged by the government of Bangladesh (TDPA 2012, 25 May).

## **5.2 BDR Mutiny**

In Bangladesh the BDR mutiny happened on 25<sup>th</sup> February 2009, during the ongoing ‘BDR Week’, an annual event of the force, when a group of protesting members attacked senior



officers at the BDR Headquarters in Pilkana, Dhaka. The senior officers of BDR are drafted from the military. During the mutiny, the mutineers killed 74 high ranking army officers, BDR members, including the Director General of the BDR and his wife and civilians. A number of family members of the army officers were confined at Pilkhana by the mutineers, and were abused. BDR jawans claimed that BDR members fell victim to injustices and had been deprived of their rights by the army officers who command and control the BDR. There were some major issues behind the mutiny. BDR jawans had submitted a 50-point list of demands to the authority. Although it started in Dhaka, the mutiny spread quickly to other BDR locations around the country. Eventually, the mutineers surrendered and a large number of BDR Jawans were taken into the custody.

After the BDR mutiny government face difficulties to form trials of the mutineers. The uncertainty was about which law the mutineers should be tried. Finally it was resolved by the Supreme Court, the trial commenced under the law that governs the BDR Act 1972. A number of trials have already been completed and some jawans were punished according to their crimes. In 2012 the trial of BDR mutiny was finished and guilty BDR jawans were punished. In BDR Act highest punishment was 7 years imprisonment.

### **5.3 Custodial Deaths**

Every death that occurs in custody is not always due to violent causes. Deaths in custody could have been due to natural causes or due to inadequate medical facilities or medical attention and diagnosis or the negligent behavior of authorities or may even be due to physical abuse and torture. In Bangladesh for the purpose of reporting, custodial deaths are considered as extrajudicial killings. In 2010 about 109 people died in custody. About 29 died custodial deaths in reported extrajudicial killings, 5 people died in crossfire while in custody of RAB, 2 were allegedly tortured to death while in custody of RAB, 1 person died in crossfire, 20 died in police custody and 1 person was shot dead by police custody. In 2010 a total of 15 BDR jawans died in custody and most of them died through torture. To escape from torture, 1 person committed suicide in RAB custody, another person committed suicide in court custody, 2 people died in police station and 1 person died in court custody under unknown circumstances. About 60 people died in Jail custody (Odhikar 2011). From 27<sup>th</sup> February 2009 to 3<sup>rd</sup> February 2011, about 42 BDR soldiers had died in custody, either by 'heart attack' or 'suicide'. Some family members of deceased claimed that they were tortured to death (Odhikar and FIDH 2011).

### **5.4 Deaths in Prisons**

News reports from various media suggested that in 2007 a total of 106 people died in prisons across the country, of whom 67 were under-trial prisoners, and 39 were convicts (Hossain and Siddiqi 2008).

In 2010, about 60 prisoners reportedly died in prison. Prisons are vastly overcrowded in Bangladesh and badly affected with various other problems. The cells of prison are small and often overcrowded, with poor sanitation and inadequate ventilation. The low quality food serve and lack of medical facilities influence the spread of various kinds of diseases. Every year many prisoners die due to lack of treatment and with the terrible condition that they are forced to live in. The basic human rights need to be respected for people who are being held in custody. According to law prison walls and cells cannot stop human rights, since human rights are available for both, the free as well as the prisoners. In the eye of law treatments facilities

are equal both, for the free and prisoners, since human rights are equal for all (Odhikar 2011). Government of Bangladesh should take necessary steps to provide all the facilities to the prisoners.

### **5.5 Public Lynching**

Public lynching is an alleged criminal by a mob frequently occurs in societies devoid by rule of law and by those who have no faith in the police system. This illegal public lynching is precisely what has been happening in Bangladesh. In 2010, reports indicate that a total of 174 people were killed by mob violence, while the number was 127 in 2009. The people who were lynched and killed in mob attacks were alleged criminals and petty thieves. Mob killings are a public reflection against the government, law and administration of justice. Government and various NGOs always forbid doing such crimes. This type of killing by public is the violation of human rights. It is of course illustrative of the crisis of legitimacy and trust in the entire justice process and administration. Ordinary people take the law in their own hands, out of desperate feelings of helplessness, that the law would and could not protect them. They have no faith in police, investigation and prosecution processes, and eventually, in trials (Odhikar 2011).

### **5.6 Death Penalty**

There are many crimes in Bangladesh which carry a mandatory death penalty and the death penalty is the maximum sentence. Bangladesh has executed more than 400 people since the independence of the country in 1971, and more than 1,000 others are currently sitting in death row. The authorities hanged five army officers convicted of killing Bangabondhu Sheikh Mujibur Rahman, the country's independence leader. At least 36 women have been sentenced to death but none of them went to the gallows. According to Odhikar (2011) documentation, 9 people have been executed by hanging in 2010 and it is also reported that 83 people were announced the death sentence by various courts. In Bangladesh executions are carried out in jail by hanged to death. Other prisoners who are sentenced to life are forced into carrying out the executions of their peers without any legal basis in domestic legislation. This practice of hanging clearly indicates to an inhuman and degrading treatment.

The Bangladesh cabinet's approval of a bill that expands the scope of the death penalty is a step in the wrong direction. Amnesty International (AI) advocates the Bangladesh government to remove the death penalty from the provisions of the bill. If the government fails to do that, Members of Parliament should limit the scope of death penalty in their country and refrain from approving the bill. AI also invites the government of Bangladesh to join the global trend towards abolition of the death penalty. Currently 139 countries of the world have abolished the death penalty in law or practice (AI 2011c).

### **5.7 Abduction and Disappearances**

Abduction and disappearance is another heinous crime in which people are picked up and then remain untraced. On 29<sup>th</sup> September 2011 K H Shamim Akter was abducted from near his house in the Purana Palton Lane of Dhaka and remain disappear. He has been concerned in a number of criminal cases in the past (AI 2011b).

According to the statistics of Ain O Salish Kendra from January 2010 to April 2012 in 27 months about 100 people are abducted in Bangladesh by the government forces. Among them

21 dead bodies of 21 people recovered, 3 were released and the rest 76 have yet missing. In 2011, 30 people abducted from Dhaka city and among them the dead bodies of 12 were recovered from different parts of Dhaka and the rest 16 yet missing up to 2012. The families of victims and other social organizations suspect them as assassination (TDPA 2010, 20 April).

Eleas Ali, a top order leader of BNP and his driver were abducted on 17<sup>th</sup> April 2012 in mid-night when he was returning from Ruposhi Bangla hotel of Dhaka to his house. BNP observed hartals for several days yet they are missing until 2012.

### **5.8 Torture**

There is no proper definition of ‘torture’ in the penal laws of Bangladesh, although the Constitution of Peoples’ Republic of Bangladesh states unconditionally, that no person shall be subjected to torture or any cruel, inhuman or degrading treatment.

Torture is a heinous crime against humanity. In 2010 more than 67 people were tortured by different law enforcement agencies, among them 22 people were allegedly tortured to death. Law enforcement agencies regularly practice torture on suspects and accused people in order to extract confessional statements. Bangladesh signed the United Nations Convention against torture and other cruel, inhuman or degrading treatment or punishment on 5 October 1998, but its principles are not being followed at all. As per this Convention, a person cannot be physically or mentally tortured or subjected to other forms of cruel, inhuman or degrading treatment or punishment. This principle is also guaranteed in Article 35(5) of the Bangladesh Constitution. Bangladesh has made a declaration against Article 14(1), which provides for reparations and compensation to victims of torture but it has been pending.

### **5.9 Anti-Terrorism Act**

The Army-supported Caretaker Government first promulgated the Anti-Terrorism Ordinance on 11<sup>th</sup> June 2008. After taking power on 6<sup>th</sup> January 2009 the AL government passed the above Ordinance as an Act in the very first session of Parliament on 24<sup>th</sup> February 2009. They passed this law without due consideration or feedback from the people of Bangladesh. The activities included in the Act are wide, unclear, and with scope for possible misuse and violation of human rights. By the help of this law, government can arrest any person and can be accused into remand and torture in the name of interrogation and often extract false confessional statements.

## **6. WOMEN RIGHTS IN THE COUNTRY**

In 1993, the United Nations General Assembly adopted the declaration on the elimination of violence against women. The Declaration on the Elimination of Violence Against Women, UN Resolution 48/104 defines violence against women as any act of gender based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether in public or private life. The Beijing Platform for Action retakes the above definition and stresses that “In all societies, to a greater or lesser degree, women and girls are subjected to physical, sexual and psychological abuse that cuts across lines of income, class and culture” (VAWB 2001). The definition of violence against women in the declaration is the internationally accepted definition and states violence against women shall be understood to encompass, but not limited to, physical, sexual, and psychological violence perpetrated by family members, the

community, or the state (Mohajan 2012a). The forms of violence specifically mentioned in the document include battery, dowry related violence, sexual abuse of children, rape, marital rape, female genital mutilation, sexual harassment, trafficking, forced prostitution, and other such crimes (Farouk 2005).

### **6.1 Violence in Women's Rights**

Women are more vulnerable to poverty in Bangladesh. Socially approved roles have limited women access to economic resources, political participation and decision-making process. Women wages are about half of those of men, and women employment is often temporary (PP 2007).

Violence against women is one of the dangerous situations of human right abuses in Bangladesh. Women and girls confront manifold problems such as several molestations; abductions followed by rape and forced marriages (TSHRB 2009). In Bangladesh traditionally men have been in a dominant position and women in a submissive one. In Bangladeshi law, dowry has been given an extended meaning "Whatever is presented whether before or after marriage under demand, compulsion or pressure as consideration for the marriage can be said to be dowry" (TWCRA 2000). The emergence of dowry is more due to greed and commercialization of marriage than the impact of traditional culture. Rising unemployment has contributed to the phenomenon; as more and more young men are unable to find employment, their families use marriage and dowry demand as a source of income (TARVAWB 2002).

Human rights groups and press reports indicate that incidents of vigilantism against women sometimes are led by religious leaders. The major violence of these types against women is humiliating and painful punishments such as the whipping of women accused of moral offenses. Acid throwing to women is another offence which disfigured the faces of women and girls (Mohajan 2012a).

According to Odhikar (2007) from 2001 to 2007 a total of 5,816 women and children were reportedly raped across the country. Among them 636 women were killed after being raped and 69 committed suicides after the incident. At this period about 1,024 women were victimized of acid violence. The physical effects of acid are dangerous; it melts skin and muscle, and can dissolve bones, and the loss of eye sight, the scarring and disfigurement often becomes permanent. Besides the immense physical pain of acid attacks, the victims also suffer from a lifetime of stigmatization, an inability to study or work, living in shame, hiding the disfigurement with a veil, and retreating to social isolation. Very rare case a man agrees to marry an acid burned woman (Farouk 2005; Mohajan 2012a).

Beating wife is the most commonly occurring act of domestic violence in Bangladesh. An international report published by the UN in 2000 ranked Bangladesh first in wife beating and found that nearly half of the adult female population survey reported physical abuse by their husbands. Husbands physically assault wives for even minor mistakes, such as an unsatisfactory meal, an untidy room, a conversation with another man, or any act of disagreement or disobedience (Farouk 2005).

### **6.2 Violence Women by Fatwa**

According to Islamic law, 'fatwa' is a religious decree based on Islamic principles pronounced by a religious scholar. But in Bangladesh this notion has been totally misconceived and is used

by half educated village mullahs (clerics) who are not scholars in Islam. The mullahs through the informal village justice system (shalish) punish women for so-called anti-social or immoral activities. In almost all the cases women are brought before the shalish simply for their involvement in extra marital affairs, marrying a man from different religion, giving birth to a child before marriage, complications due to oral divorce pronounced to a woman by her husband and so on. They always argue that female liberation is not part of Allah's plan. Peoples' lack of knowledge about the law and religion, poor education and absence of social awareness are the key factors, which allow fatwa to be issued. Punishment awarded by a fatwa is variable but include awarding 'hilla' (intervening marriage) to another man (According to Muslim law once a divorce between husband and wife has become official, the man cannot remarry the same woman unless she goes through an intervening marriage with another man and the second marriage is lawfully terminated after consummation. The object of this law was to prevent Muslim men from arbitrary divorce.), punishing with lashes, social boycott, stoning, divorce, and physical violence (Farouk, 2005). In 2000, in the High Court Division of Bangladesh a case concerning hilla a forced marriage caused by a fatwa given by a local Imam was declared illegal. There is no place for fatwa in Bangladesh's legal system, because laws are enacted in the Parliament and applied through the courts (Hossain, 2003). Lack of information on the legal procedures regarding divorce leads to many women ending up homeless and abandoned by their husbands. Verbal declarations of divorce or "talaq" is not acceptable in the eyes of the law, yet in rural areas many women are considered divorced by their husband, not only by the couple themselves but also by other members of their community when the word "talaq" is mentioned thrice by the man (VAWB 2001). An assumption shared by feminist scholars is that the patriarchal post-colonialist state reinforces gender inequality and sanctions injustice against women. In Islam, marriage involves sharing between the two halves of society. Its objectives, besides perpetuating human life, are emotional well-being and spiritual harmony. Its bases are love and mercy. It also indicates legalization of sexual intercourse, and provides a license to produce children. Therefore, in Islam extra-marital sexual relations are prohibited, let alone reproduction (Hossain 2003; Mohajan 2012a).

Prophet of Islam, Mohammad (peace and blessings upon him) said, among lawful things, divorce is most disliked by Allah (the Exalted). The general ground for divorce in the Qur'an (The Holy Book of Islam) is perceived as a hopeless failure of one or both parties to discharge their marital duties and to consort with each other in kindness, peace and compassion. The right to divorce is, however, conferred upon men, not on women (Hossain 2003).

### **6.3 Trafficking of Women**

Human trafficking is considered as the third largest source of profit for organized crime, following arms and drug trafficking. Trafficking is performed for various purposes such as labor, prostitution, organ transplant, drug couriers, arm smuggling etc., (Sarkar 2011). It is very difficult to collect data on trafficking, as the trade is secretive, the women and girls are silenced, the traffickers are dangerous and not many agencies are counting (Hughes 2000). Trafficking of women is a serious problem in developing countries around the globe, and particularly in South Asia. Due to absence of social protection, economic security and legal support, an alarming number of women from the poor families become easy victims of trafficking. As trafficking and sexual exploitation is a crosscutting issue in this Indian subcontinent, it has become a growing concern especially across borders. The problem is more acute for a country like Bangladesh that shares a porous border with India. As there is a heavy demand for women and girls traffickers takes trafficking as a highly profitable business. The

organized gangs of traffickers often lure young women and girls with false promises of better jobs or false proposals of love and marriage. Bangladeshi women and girls are more innocent and attractive; hence they become the first target of traffickers. Victims of trafficking are generally trafficked for forced prostitution, for purposes of organ transplants and slave labor. Accurate statistical data about the number of women trafficked from Bangladesh to serve the sex trade in neighboring countries is absent. The trafficked victims end up in brothels where they are sold for sexual exploitation or serve as street sex workers in India, Pakistan and the Middle East. Although the government has enacted stringent laws and implemented various policies to combat this menace, trafficking continues to be a noteworthy problem in Bangladesh (Farouk 2005). Special target of traffickers are Bangladeshi girls, because the customers think that girls are virgins and are less likely to be infected with HIV. There is blind belief that intercourse with a virgin girl cures a person's STDs (sexually transmitted diseases), though there is no evidence for this belief. Traffickers use Kolkata of India as the trafficking point for other destinations such as India, Pakistan and Middle East for Bangladeshi women and girls (Sarkar 2011).

The present form and nature of trafficking can be explained by poverty and social disintegration. The spread of wage employment or bonded labor such as domestic labor, women working in the sex trade, in entertainment (camel jockeys), child abuse, and organ trading can be identified as demand factors of trafficking (Mohajan 2012b).

## **7. RIGHTS OF CHILDREN**

All governments in the past and present took programs for children in the areas of primary education, health, and nutrition. Many of these efforts are supplemented by local and foreign NGOs. These joint efforts allow the country to make significant progress in improving health, nutrition, and education. Despite these attempts many children are still suffering malnutrition and illiteracy.

### **7.1 Violence against Children**

Children are not well protected in Bangladesh. Many children become victims of violence, mainly those who are on the streets. Many young children work as domestic help and are also involved in different hazardous sectors such as in balloon and bidi (cheap rate cigarette) factories. Poverty and lack of socio-economic safety nets are the root cause behind this situation. Violence against children who work in domestic households is a very common scenario, more often than not; children from rural areas come to the city with the hope of trading in their services for not much more than three full meals a day. Street children are a sadly common sight. Street children sell flowers, candy, beg and clean cars for money and they are frequently flattered from passengers in cars and buses. In 2001 according to human rights groups, 575 children were abducted, about 1,300 suffered unnatural deaths, and over 3,100 children became victim to serious abuses such as rape, sexual harassment, torture, and acid attack.

Ensuring proper mandatory primary education for children is of utmost importance, but would fail to serve in protecting children, unless it came with the provision of proper meals and nutrition for those children whose families cannot afford it and better law enforcement, with a 'children friendly' attitude. It is clearly the inability to afford such a provision that drives many families to send their children to work in domestic households or in dangerous working environments; exposing them to abuse and exploitation, from which the children cannot escape

and have no one to seek help or protection from. There was extensive trafficking of children, primarily to India, Pakistan, and destinations within the country, largely for the purpose of prostitution and forced labor. UNICEF estimated that there were 10,000 child prostitutes working in the country, but other estimates placed the figure as high as 29,000. In the decade from 1988 to 1998, about 200,000 Bangladeshi girls were sold into the sex industry in nations including Pakistan, India and Middle East (Ahmed 2004). The past and present governments took various steps to protect child trafficking which are praiseworthy procedures. But yet child trafficking is a serious problem in Bangladesh (Mohajan 2012a,c)

## 8. DISCRIMINATION ON INDIGENOUS MINORITIES

Bangladesh has fewer ethnic minorities than any other country in the subcontinent and nearly all of them live in the Chittagong Hill Tracts (CHT) in the south-east of the country. Anthropologists believe them to be non-Bengali who migrated from areas Myanmar between the sixteenth and mid-nineteenth century. During the British period, the CHT was designated a "Totally Excluded Area," which meant that people from the plains were banned from settling there. In CHT there are many groups such as the Chakma, the Marma and the Tippera, the Bawm, the Mru, the Khumi and several smaller groups. Among them the Chakma is the largest group. In 1955, the East Pakistan cabinet decided to bring the district under the administrative system of the rest of the country. The construction of the Kaptai dam in 1963 caused the first batch of refugees from the area to flee into India. In the liberation war 1971, the king of the Chakma, Raja Tridib Roy, made the mistake of siding with Pakistan and many Chakmas suffered as a result. After independence the government of Bangladesh became more oppressive in its treatment of CHT people than the Pakistani authorities had done.

The introduction of the United Nations Declaration on the Rights of Indigenous people adopted by the General Assembly on 12<sup>th</sup> September 2007, gives both a background to the past, present and emerging conflicts between indigenous people and states as well as directions on how such conflicts might be resolved. Indigenous people often involved in conflicts with the plain settlers, most often cause of the loss of their lands, territories and resources or the deprivation of their civil, political, cultural, social and economic rights (UNESCO 2011). The government mentioned in the Sixth Five Year Plan (FY2011-FY2015) that it would consider implementing the UN Declaration on the Rights of Indigenous people 2007 and ratify the International Labor Organization (ILO) Convention 1969. The Sixth Five Year Plan also mentioned that an appropriate land policy will be formulated which can deal with land disputes involving indigenous peoples. The present AL government has denied the constitutional recognition of fundamental rights of indigenous peoples in the 15th amendment of the Constitution in 2011. The incidents of forcible land-grabbing by Bengali land grabbers and eviction of indigenous people from their ancestral land were also seen as common scenario in 2011.

### 8.1 Population Transfer in the Chittagong Hill Tracts

The plain settlers were brought into the Chittagong Hill Tracts (CHT) for the destruction of indigenous Jumma people, is clear violation of the Article-52 of the Chittagong Hill Tracts 1900 Regulation and Article-49 of the Fourth Geneva Conventions. This law states that "The occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies." In the mid 1979, President Ziaur Rahman in a secret meeting decided to settle 30,000 plain settler families in the following year and in 1980 some truckloads of poor plain settler families poured into the CHTs attracted by the encouragement of the government

to provide five acres of land, Tk.3,600 and provisions to each new settler family. According to the United States Agency for International Development (USAID) in July 1980, the Bangladesh government decided to resettle 100,000 plain settlers in the first phase of this scheme. General H M Ershad coming in power continued the population transfer policy and June 1981 target of settling 40,000 families (about 200,000 people). In July 1982, another 250,000 plain settlers were transferred into the CHTs and these types of transfer are remained continue (ACHR, 2005). According to census figures, in 1941 the Muslim population was 2.94% of the total population of the CHTs and it has risen to 6.29% in 1951, 11.77% in 1961, 22.83% in 1974, 35.18% in 1981 and 49% in 1991 (BGC 1991).

After a series of meetings in 1997 the Chittagong Hill Tracts Accord was signed between the government of Bangladesh and Parbatya Chattagram Jana Sanghati Samity (PCJSS). The negotiation was successful, because PCJSS agreed not to demand for full regional autonomy and on the other hand the government agreed to withdraw the army and the illegal Bengali settlers. Prime Minister Sheikh Hasina was awarded the Peace Prize of UNESCO for the year 1998 for her outstanding contribution for establishing peace, development, democracy and human rights in CHT. It has been about 15 years since the peace accord was signed but conflicts and disturbances still rage between the indigenous and the settlers in the CHT.

The Constitution of Bangladesh prohibits discrimination on grounds of religion, race, caste, sex or place of birth. But a huge number of violent attacks and discriminatory practices happen against indigenous minorities. Indigenous minorities in Bangladesh continue to be threatened, especially over land tenure, while the government has suspended the processing of land claim settlements in the CHT. The main features of the CHT Peace Accord have yet to be implemented and a land commission has yet to be established.

In 2010 about 6 indigenous were killed, land grabbed from 2, raped 4 and injured 140. It is the responsibility of the State to protect the fundamental rights of indigenous minority people along with protecting their land rights and all that rightfully belongs to them. It is essential that human rights abuses against indigenous minority communities are stopped and that the state performs its responsibility to end incidents relating to torture, abuse and harassment of indigenous minorities.

Indigenous peoples raised demand for adequate budgetary allocation to eliminate disparity and discrimination between them and the mainstream Bengali people. It is observed that about 2% of the country's population is indigenous people, but the allocation for them is below 0.5% of the total budgetary allocation. The major problem for all indigenous people is land grabbing by influential people from the mainstream population. There are no adequate policies to protect the land of indigenous peoples. In 2011 at least 137 houses of indigenous peoples were completely burnt to ashes while 47 houses were looted and ransacked due to land-related communal conflicts. In 2011 at least 7,118 acre of land belonging to indigenous Jumma people were grabbed by Bengali settlers in the CHT. In 2011, 7 indigenous people were killed and 13 people were arrested, 5 indigenous women were killed after rape while 11 indigenous women were raped and attempts to rape were made on 8 indigenous women (HRR 2011, 2012).

Amnesty International expresses that the government of Bangladesh is completely failed to save the right of livelihood and lands of indigenous people (TDPA 2012, 25 May).



## **8.2 Activities of Peace for Indigenous People**

Amnesty International calls on the Bangladeshi government to make public the details of any plan to compensate the victims and survivors of various attacks, which should include rehabilitation for people who lost their homes and belongings and medical treatment for those who were injured (AI 2011a).

Despite the 1997 peace accord, clashes between the Bengali settlers and Jumma inhabitants have continued. These confrontations have included deaths often on both sides. In the most recent clashes, the dead were all Bengali settlers while most of the injured were from the Jumma indigenous people (AIPS 2011).

To end all intimidation and harassment of indigenous people it should be prosecuted all those responsible for attacks and intimidation against indigenous people. Government has to take all measures to fulfill election promises by fully implementing the CHT accord with a declared time-frame for a road map and providing a forum for solving land disputes of indigenous people in CHT and plain lands. The implement ILO Convention No. 107 and ratify ILO Convention No. 169 concerning indigenous people will bring peace in CHT.

## **9. DISCRIMINATION ON RELIGIOUS MINORITIES**

Violations of human rights of religion minorities frequently happen in Bangladesh. The Penal Code criminalizes the defilement or destruction of a place of worship or publication of any material disrespectful of a religious group, with punishments, on top of the Constitutional prohibition to discriminate or otherwise violate rights of religious minorities. Bangladesh is a Muslim dominated country and about 90% of the population is Muslim faith. The minorities' oppression started in the year 1947 when Indian subcontinent divided into two parts India and Pakistan in the basis of race and religion. Hindus are the largest group among the minority communities and other religious minorities are Buddhist and Christian and some indigenous communities. In the culture and education the Hindu is a most advanced and dominant community not only among the minorities but also among majorities. Violence, including killings and injuries, occurred both before and after 2001 election. There were reports of harassment of Hindus, including killings, rape, looting, and torture related to post-election violence. During the transition of power from the Caretaker Government to the newly elected government in 2001, BNP supporters raped at least 10 Hindu females in the island district of Bhola and looted several Hindu houses. The victims and sufferers still remember those days with shock and fear. The Society for Environment and Human Development (SEHD) for the Coordinating Council for Human Rights in Bangladesh, a well-respected Bangladeshi NGO, quotes a local report which expresses that non-Muslim minorities have suffered as a result of the recent changes, "The intimidation of the minorities, which had begun before the election, became worse afterwards" (SHED 2002). Thousands of people have fled to India, and many more have been internally displaced following attacks on their communities by Islamic extremists.

The secular character of Bangladesh changed when at the top of the preamble of the constitution 'Bismillah-ar-Rahman-ar-Rahim' ('I am starting in the name of Allah according to Muslim religion) was inserted and then Islam was made state religion both of these move reduced the status of citizenship of non-Muslims to second grade citizenship. These also curtail the freedom and rights of minorities. Hindu Population in 1941 of Bangladesh portioned 11.88 million or 28.3%, in 1951 the Hindu population decreases to about 22%. Twenty years later in

1961, when East Pakistan was well-established, the number had decreased to 18.5%. More Hindus left during the liberation war in 1971 when the Pakistani army targeted Hindus as especial supporters of independence. By 1974 only 13.5% of the population of independent Bangladesh was Hindu. In 1981 about 12.2%, in 1991 about 10.5% and in 2002 about 9% of total population was Hindu. Every year on an average 196,296 Hindu individuals have been found migrated during the period.

After Bangladesh's independence, properties left by the Hindus were considered to a single category as "enemy properties". According to the US State Department "Approximately 2.5 million acres of land was seized from Hindus and almost all of the 10 million Hindus in the country were affected" (USDS 2002).

In 2001, the Bangladesh Parliament passed a law that required the government to return all land that had been seized under the law Vested and Non-resident Property Act 1974, provided the original owners were still in the country. Six years after the enactment of the Vested Properties Act 2001, it was apparent that many properties illegally declared as vested properties had still not been restored to their original owners. About 1.2 million Hindu families out of a total population of 2.7 million Hindu families nationwide had been affected directly by this law, and that within the last six years from 2001- 2007, about 200,000 Hindu families had lost 1,22,000 bighas of land in this way. But in practice this law was not applied. Amnesty International pointed out that "None of the governments in Bangladesh since its independence has taken any decisive steps to protect Hindus in the face of potential threats, including the current attacks" (AI 2001).

Minorities are continuously under the threat of being homeless from their abodes and being physically ousted from their lands, being physically tortured and their womenfolk being dishonored and being looted of their properties by powerful miscreants. In 2010 about 2 religious minorities were killed, land and house grabbed from 10, attack on 23 temples and tried to take property from 20, looted in 4 houses and shop, 6 were victim of rape and more than 244 were injured. The Ahmadiyya community (a small sect of Muslim whom the Sunnis consider as non-Muslims) has suffered violent harassment which has been facilitated through inadequate police protection.

Most of the repressions were performed by the ruling party (AL) miscreants and other muscle people. But unfortunately government has taken no action against the miscreants. Discrimination against members of the religious minorities existed at both the governmental and societal level, but there was no clear evidence of government persecution, although religious minorities were disadvantaged in practice in such areas as access to government jobs and political office.

## **10. THE JUDICIARY**

A person from justice is a form of human rights abuse and it is common knowledge in Bangladesh that justice is only for the rich and those who can afford legal expression. Politicization of the judiciary is a common scenario of Bangladesh. Citing the constitutional requirement for separation of powers between the Judiciary and the Executive, in 1999, the Supreme Court directed the government to separate the lower judiciary from the direct control of the government and place it under the supervision and management of the Supreme Court to ensure its independence. Article-22 of Bangladesh's Constitution mandates that "The state shall ensure the separation of judiciary from the executive organs of the state". But the formal

separation of the lower courts from the Executive organ of the Bangladesh government did not take place until 2007. Many of the judicial officers currently sitting on those Courts and Tribunals have remained unchanged since that time (Odhikar 2011). The Transparency International (TI) of Bangladesh household survey report 2010 puts the Judiciary as the most corrupt among 13 service sectors in the country. The general citizens suffer most due to corruption and other wrongdoings in the judiciary followed by law enforcement agencies and land administration. Some 88% individuals suffered most to avail of judiciary services due to various forms of corruption including bribe and other harassment, and 59.6% individuals had to pay bribes in different stages to get judicial services. Of the bribe 68.9% households bribed magistrate's court, 58.4% judge's court and 73.6% High Court (TIB 2010).

## **11. FREEDOM OF SPEECH**

Actions of government from 2010 raise serious questions about its commitment to press freedom. Newspapers and television (TV) stations must obtain government permission to operate, and the government can cancel publication rights at its discretion. In 2000s journalists pressed for abolish of the Official Secrets Act of 1923. According to this Act, a citizen must prove why he needs information before the government will provide it. The Act protected corrupt government officials from public scrutiny and hindered transparency and accountability of the government at all levels. In the Human Rights Council, during its bid for re-election on May 2009, the Bangladesh government stated that "It has one of the most independent print and electronic media in the world". During the Universal Periodic Review (UPR) session the government of Bangladesh also stated that Bangladesh was committed to ensuring freedom of the media and safety of journalists. The Constitution provides for freedom of speech and of the press but the government did not respect these rights in practice.

In Bangladesh the spaces of freedom of thought consciousness, and of speech have shrunk significantly. Individuals cannot criticize the government and its activities publicly without fear. After taking power in 2009, AL government attacks on journalists, the press, newspapers, and television. For example, the government has shown intolerance towards the dissenting media, evident by its banning of Channel 1 ,widely known as oppositions' TV channel, the closing down of the Bengali language news paper Daily Amar Desh and the filing of several cases against its acting Editor including one under the Anti-Terrorism Act, 2009, attempting to shut down a photo exhibition on 'crossfire'; closing down facebook, censoring YouTube and the indiscriminating use of the law of defamation all of which occurred during this reporting period. Since 4<sup>th</sup> February 2009 to 3<sup>rd</sup> February 2011, about 7 journalists were killed, 199 were injured, 88 assaulted, 124 journalists were threatened and 3 were abducted (Odhikar and FIDH 2011). If these oppressions continue soon it would be irreparable damage growth of democracy and of a tolerant society, where critical views are freely expressed. In the election manifesto of AL-2008, promised that it would ensure the freedom of all types of mass media and flow of information but after coming to power the government has changed its voice (Odhikar 2011). Some newspapers supported the overall policies of the government, some express neutrally and some reported critically on government policies and activities.

A couple of journalists Sagar Sarowar and Meherun Runi have been killed in their own house in Dhaka on 11<sup>th</sup> February 2012, yet the killers have not been arrested.

## **11.1 Freedom of Associations**

In Bangladesh there are many associations and NGOs to protest against human rights violations. The activities of some of them are described as follows:

### **11.1.1 The National Human Rights Commission**

Two years after its initial commitment to the UN Human Right Council, the government of Bangladesh finally promulgated the National Human Rights Commission Ordinance, 2007. The proposed Commission is to consist of one chairperson and two members, including a current or retired judge of the Supreme Court. The President, with the advice of the Selection Committee, will appoint the members of the Commission (Hossain and Siddiqi 2008).

The National Human Rights Commission (NHRC) was formed in November 2008 under the National Human Rights Commission Ordinance, promulgated by the army backed Caretaker Government on December 23<sup>rd</sup>, 2007. The Ordinance was enacted by the Parliament on 14<sup>th</sup> July 2009 (TDNA 2009, 7 September). Former Chairman of the NHRC, Justice Amirul Kabir Chowdhury sent a draft Regulation of the NHRC to the Law Ministry on August 2009, however almost one and a half year have passed and the draft is still pending and this will obstruct the independent activities of NHRC (TDPA 2010, 7 November).

### **11.1.2 Odhikar**

The Odhikar is duly established under the laws of Bangladesh, which always operates respecting national and international laws and whose main vocation is to defend universal human rights, will have to write about its situation in its own annual human rights report. In 2010, the present government has been tightening its noose around Odhikar. Odhikar has earned a high degree of credibility because of its unbiased reporting and statements. During the so-called 'Caretaker Government', nurtured by the military by using emergency laws, Odhikar was virtually the sole voice against military influence and the State of Emergency, when other human rights organizations either directly supported the military regime or remained neutral (Odhikar 2011).

### **11.1.3 Ain O Salish Kendra and BRAC**

Ain O Salish Kendra (ASK) is a national human rights and legal services organization and it has been working consistently for 25 years to monitor the human rights situation and to provide support to survivors of human rights abuses, in particular those from vulnerable groups or marginalized communities, through legal aid, investigation, documentation, research and advocacy. ASK has drawn on its own interventions and its work with lawyers and human rights activists across the country in framing this report (Hossain and Siddiqi 2008). As a pioneer legal aid and human rights organization in Bangladesh, ASK promotes and protects human rights of the disenfranchised, particularly women through education, legal mediation, training, public interest litigation and advocacy. ASK also collaborates with network partners, and other NGOs to promote legal redress for women through regular legal aid clinics. In mid 1980s, BRAC initiated its paralegal programme to promote legal awareness among the members of its village organizations (VOs). The programme was re-organized and expanded as Human Rights and Legal Education (HRLE) in early 1990s. In 1998, ASK's Outreach Unit collaborated with BRAC to offer prompt, effective and low cost legal assistance to BRAC's

group members. This joint legal aid programme was a follow up of BRAC's HRLE programme, in which two ASK members were involved (Banu 2003).

## **12. WORKERS' RIGHTS**

In 2010, numerous violations of workers' rights were reported. Some of the incidents reported included strikes over the new wage structure for water transport workers, private jute mill laborers submitting a memorandum to the Prime Minister pushing for demands including an increase on the 1985 set minimum wage, and shrimp workers not being paid the minimum wage. Dangerous working conditions were also reported, including one report of 30 workers killed in accidents in different shipyards in Chittagong in the last 11 months, raising the death toll of such accidents in the industry to more than 1,300 in the last 12 years. On 9<sup>th</sup> June 2010, 8 workers of a steel re-rolling mill at Fatullah in Narayanganj were injured seriously after a massive explosion in its furnace. The explosion ripped through the Rajdhani Casting factory at Aliganj with a big bang due to low voltage of electricity (TDS 2010, 10 June; TDNA 2010, 10 May).

### **12.1 Ready-Made Garment Workers' Right**

The ready-made garment sector in Bangladesh contributes a large amount to the countries' economy and provides employment to thousands. The industry has been a gateway for independence and empowerment of women, due to the high rates of female employment. Unfortunately, the industry has many challenges to overcome, including the many owners and managers of the factories, who fail to pay wages on time, withholding of wages, withholding festival bonuses, and bad leave policies. This coupled with the terrible conditions and unsafe state of the buildings, results in the industry being unstable which may lead to a destruction of this vital sector.

In 2010, 7 workers died and 2538 people were injured while protesting in demand of either overdue wages or for an increase in wages and against other work related violence in the ready-made garments sectors.

The factories of the ready-made garments industries must be developed in a planned manner and the authorities need to take appropriate measures so that accidents do not take place. The Home Ministry Inquiry Committee asked for legal action under the Code of Criminal Procedure against building owners not complying with fire safety measures. The fire service has asked the owners to set up hydrant points, build underground reservoirs with a capacity of hundred thousand (100,000) gallons of water with an appropriate pump. On February 2010, it was reported that since 1990, more than 240 people lost their lives in nine major fire incidents at different garment factories (TDS 2010, 27 February). Most of the violence and clashes took place due to unpaid wages, or demands for an increase in wages. Earlier the minimum wage of a garment worker was Tk.1,662 (\$23.96) per month. On 29<sup>th</sup> July 2010, the Minimum Wage Board declared Tk.3,000 (\$43.47) per month as the minimum wage for garment workers. However, the garment workers had been demanding Tk.5,000 (\$72.46) per month to be declared as the minimum wage. Odhikar has demanded that the government should cancel the licenses of those garments factories, which are not following the tripartite agreement. The tripartite agreement is a MoU which was signed on 12<sup>th</sup> June 2006 between employers (Bangladesh Garment Manufacturers' and Exporters' Association, BGMEA and Bangladesh Knit Wear Manufacturers' and Exporters' Association, BKMEA), factory workers and the government; it contains 10 conditions, including provision of ID cards, overtime allowance,

maternity leave, the formation of a wage board, etc. In December 2012 Tarjeen Garments of Ashulia, Dhaka, about 110 workers had died burning by fire and some others wounded seriously.

The leader of the garment workers' organization Aminul Islam was abducted and killed. No one has been arrested for this incidence. The foreign buyers express deep concern about this incidence and they advised the government of Bangladesh to take necessary actions about it.

## **12.2 Migrant Workers' Right**

Migrant Bangladeshi workers seek employment overseas, often through the use of middle men and recruiting agents. After reaching foreign lands, the workers often find that they have been misled by the recruiting agents and have to live in fear, hiding from the police until they can return to Bangladesh. Workers abroad often have to suffer torture and ill-treatment by the police and others in position of power. Amnesty International stated in a report about migrant workers in Malaysia "Migrants many from Bangladesh, Indonesia and Nepal, are forced to work in hazardous situation, often against their will, and toil for 12 hours a day or more, many are subject to verbal, physical and sexual abuse" (TDS 2010, 25 March).

In last three years 8,000 Bangladeshi migrant workers' dead body came to the country. This information was given by Ministry and Shahjalal Airport of Bangladesh. The most number of dead bodies came from Saudi Arabia which were 2,339, following that 1,298 from Malaysia, third 838 from United Arab Emirates (UAE), fourth 506 from Kuwait and fifth 296 from Oman. From 2003 to 2012 in nine years 15,752 dead bodies of legal and illegal Bangladeshi migrants came to the country. All the dead bodies of migrants are not coming to Bangladesh and are buried in abroad. About 7,500,000 laborers are working abroad and 2,000 to 2,500 dead in a year is not considered as an abnormal situation but the above rate is alarming. The return dead bodies are buried without autopsy, so that real cause of death is unknown. In all the cases, the death was reported to be from heart attack (TDPA 2012, 25 May).

## **13. VIOLATIONS OF HUMAN RIGHTS AT THE BORDERS OF BANGLADESH**

Serious forms of violations of human rights have been going on for a long time in and around borders between Bangladesh and India. Indian Border Security Forces (BSF) shoots and kill unarmed (Bangladeshi) civilians in border areas, and on occasion, even deep inside Bangladesh territories. In 2010 about 75 were killed and 83 were injured by the BSF and Indian civilians. According to information gathered by Odhikar, among the deceased and wounded almost all are Bangladeshi citizens. If any Bangladeshi citizen is involved with alleged smuggling in the border areas, in that case legal action needs to be taken. During this period, 43 people were also abducted by the BSF.

The BSF continues to engage in anti-humanitarian activities, which are undermining the assurance provided in the joint agreement between the Bangladeshi and Indian Prime Ministers for stopping border violence and also the similar assurance provided in this regard at a meeting with the Director General's of two border forces held during 7<sup>th</sup> to 11<sup>th</sup> March 2010. Prime Minister Sheikh Hasina went to India on a state visit from 10<sup>th</sup> to 13<sup>th</sup> January 2010. The people of Bangladesh had expected that the Prime Minister to protest against the killings, abductions and other forms of torture carried out by the BSF on Bangladeshis along the India-Bangladesh border, unfortunately, this issue was totally ignored during the visit.

The BSF often intruded into Bangladesh territory and shoot at farmers and general people living at the border areas. They also kidnapped Bangladeshis and tortured them. Entering into another independent country's territory and firing intentionally without adequate reason goes beyond the norms of international law and human rights. More than 910 Bangladeshis were killed by the BSF between January 2000 and April 2010, the BDR was not even accused of ever killing an Indian civilian.

On 8<sup>th</sup> February 2012, Indian BSF leader in an interview with BBC expressed that BSF will not stop firing in India-Bangladesh border until the corrupted works stop. In response the BGB leader reacted with his comment and expressed that it is the violation of the promise given by the Indian government (TDPA 2012, 8 February).

The issues concerning the enclaves and the demarcation of the border between the two nations stated within the Mujib-Indira Treaty of 1974 has not seen any mentionable progress. The status of Bangladesh's share of 54 rivers with a common source is also yet to be conclusively determined.

Human rights violations by the Indian Border Security Force (BSF) at border areas continued between January and September 2011. BSF abduct farmers at work in the fields by intruding into Bangladesh territory. On 7<sup>th</sup> January 2011, a 15-year old girl, Felani Khatun, was shot and killed by the BSF while she was entering Bangladesh from India, near the international pillar 947 of the Anantapur border in Phulbari Upazila under Kurigram district. Her body was left hanging from the wire fence for 5 hours. The BSF took down Felani's body after the 5 hours and handed over her dead body to BGB after 30 hours. According to information gathered by Odhikar, since January to September 2011, along the India-Bangladesh border, the BSF allegedly killed 21 and injured 51 Bangladeshis (Odhikar 2011).

On 18<sup>th</sup> May 2012 BSF killed a Bangladeshi named Saidur Rahman in Birampur border of Dinajpur by throwing cocktail when he was bringing cows from India (TDPA 2012, 19 May). Only in December 2012 BSF killed three Bangladeshi citizens and abducted some others.

Over the past 10 years Indian security forces have killed about 1,000 people, mostly Bangladeshis, turning the border area into a South Asian killing fields (The Guardian 2011).

#### **14. INTERNATIONAL CRIMES TRIBUNAL (ICT)**

Bangladesh had a wide-ranging law on international crimes, the International Crimes (Tribunals) Act, 1973. The Act provided a complete framework with all international crimes, such as the Crime of Genocide, War Crimes, Crimes against Humanity, Crime against Peace and other crimes under international law, along with provisions to set-up Tribunals, procedures of investigation, prosecution, and trials. It provided provisions for sentencing and appeal.

On 29<sup>th</sup> January 2009, the Parliament unanimously passed a resolution seeking prosecution for the 1971 crimes that occurred during the country's war for liberation. 2010 will be remembered in the history of Bangladesh as the year when, 39 years after the large-scale commission of international crimes in 1971, a process for accountability commenced. From 26<sup>th</sup> March to 16<sup>th</sup> December 1971, in the territory now known as Bangladesh, major international crimes were committed by Pakistani military, resulting in three million deaths, two hundred thousand rapes, vast destruction of properties, hundreds and thousands of injuries and other casualties. The crimes were committed targeting unarmed civilians, based on their

ethnicity, nationality, sex, religion and political beliefs. Bengalis were targeted, because they were on behalf of freedom, while Hindus were picked up for elimination, because of their religion and for the support to AL. Meaningless destruction of properties, burning down villages, mass rape and indiscriminate attacks on civilians were some of the feature of these crimes. In 1971 from March to December Crime of Genocide, War Crimes, Crimes against Humanity and other recognized international crimes were committed. Despite such serious crimes, the process that started after Bangladesh was liberated on 16 December, 1971, could best be described as inconsistent. No thought was given about the victims, and their longing for justice. The process that was initiated was halted by the government before completing the course of justice and accountability.

In March 2010, the AL government established the first International Crimes Tribunal (ICT) in Bangladesh in Dhaka. It appointed three Judges, out of which two are High Court Division Judges and the third is a senior District Judge. It also appointed Investigators and Prosecutors. The Tribunal has in its custody a number of individuals suspected of involvement in international crimes committed in 1971. All of these alleged accused are under pre-trial detention.

Human Rights Watch, Amnesty International, the War Crimes Committee of the International Bar Association and few other international organizations, all supported the initiative of the government to deal with the international crimes committed. They also expressed some concerns, as, in their views, the 1973 Act had to be amended further to ensure that trials under the Act are carried out in accordance with Bangladesh's international human rights obligations, International Criminal Law, and the Bangladesh Constitution.

In November 2011 the International Criminal Tribunal of Bangladesh (ICTB) began its first trial (JURIST report) for crimes against humanity committed during the Bangladesh Liberation War. The defendant, Delwar Hossain Sayedee who is a former Member of Parliament in the National Assembly of Bangladesh and a leader of Jamaat-e-Islami Party (JI). Earlier that month ICTB prosecutors filed an application (JURIST report) for formal charges against Salauddin Quader Chowdhury, accused of crimes against humanity during the Liberation War who is a leader of the BNP. Earlier JI leader Matiur Rahman Nizami and another JI leader Ali Ahsan Mujahid were arrested for crimes against humanity committed during the Bangladesh Liberation War. Ghulam Azam, 89 years old, was arrested and taken into custody on 11<sup>th</sup> January 2012 after his preemptive request for bail, based on health and age, was denied by the court. A hearing has been scheduled for 15<sup>th</sup> February to formally establish charges against him. He opposed the independence of Bangladesh and allegedly aided the Pakistani Army during the war, maintains that the charges are politically motivated. He functioned as chief of JI in Bangladesh until 2000 (DiLeonardo 2012).

## **15. CONCLUSIONS**

We have discussed aspects of human rights of the citizens of Bangladesh. This country is densely populated and human rights are violated in every sector of this country. Most of the people are illiterate and ignorant about their rights. About 80% political leaders are businessman and industrialists, so that political leaders first see their own profits. They are not serious about the human rights. Extrajudicial killings, cross firing, death in custody, abduction of people, public lynching, and torture in custody, violation of women, children and workers rights, violation of freedom of speech, discrimination on minorities and religious minorities are



common situations in Bangladesh. If the government cannot establish human rights properly then the democracy of the country will not be strong.

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