

# SITUATION OF HUMAN RIHGTS IN BANGLADESH

© By Zahid Shahab Ahmed (Pakistan)

## Background

Bangladesh is a parliamentary democracy, with broad powers exercised by the Prime Minister. Khaleda Zia, leader of the Bangladesh Nationalist Party (BNP), became Prime Minister (PM) following parliamentary elections in October 2001, deemed to be free and fair by international and domestic observers. The BNP formed a four-party alliance government with Jamaat-e-Islami (JI), Bangladesh Jatiya Party (BJP), and Islami Oikko Jote (IOJ). Two major parties dominate the political scene, the BNP and the Awami League (AL). Political competition is vigorous, and violence is a pervasive feature of politics.



The Government's human rights record remained poor, and it continued to commit numerous serious abuses. Security forces committed a number of extrajudicial killings. The police; the paramilitary organization, Bangladesh Rifles (BDR); the auxiliary organization, Ansar; and the army used unwarranted lethal force. The police often employed excessive, sometimes lethal, force in dealing with opposition demonstrators, and the police routinely employed physical and psychological torture during arrests and interrogations. Prison conditions were extremely poor and were a contributing factor in some deaths in custody. Police corruption remained a problem. Nearly all abuses went unpunished, and the climate of impunity remained a serious obstacle to ending abuse and killings. In February, Parliament adopted legislation shielding security forces from any legal consequences of their action, which included numerous abuses during the countrywide anti-crime drive from October 16, 2002, to January 9. In the few instances where charges were levied, punishment of those found guilty was predominantly administrative. Violence, often resulting in deaths, was a pervasive element in the country's politics. Supporters of different political parties, and often supporters of different factions within one party, frequently clashed with each other and with police during rallies and demonstrations. Press reports of vigilante killings by mobs were common.

There were no reports of rape in official custody during the year, but 31 cases of rape by either police or other officials were recorded. In addition, there were credible reports that police facilitated or were involved in trafficking in women and children. Human rights groups and press reports indicated that vigilantism

against women for perceived moral transgressions occurred in rural areas, often under a fatwa (a proclamation from an Islamic leader), and included punishments such as whipping. Rejected suitors, angry husbands, or those seeking revenge sometimes threw acid on a woman's face.

Violence and discrimination against women remained serious problems, as did trafficking in women and children for the purpose of prostitution and at times for forced labor.

## **Basic Human Rights**

In least developed countries the governments are unable to secure basic rights of its population, such as; food, clothing, shelter etc.

Many of Bangladesh's men, women and children are profoundly affected by macro and micronutrient deficiencies. Every year, 30,000 children become blind due to Vitamin A deficiency. Over half the population is affected by iodine deficiency, including 80 per cent 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, (UN Economic and Social Council, 2004).

## **Freedom of Religion**

The Constitution establishes Islam as the state religion and also stipulates the right--subject to law, public order, and morality--to practice the religion of one's choice, and the Government generally respected this right in practice. Although the Government is secular, religion exerts a powerful influence on politics. The Government was sensitive to the Muslim consciousness of the majority (approximately 88 percent) of its citizens. It sometimes failed to protect minority groups, contributing to an atmosphere of impunity. Discrimination against members of the religious minority 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.

In 2001, the High Court ruled illegal all fatwas, or expert opinions on Islamic law. While the Court's intention was to end the extrajudicial enforcement of penalties by religious leaders, the 2001 ruling, which generated violent protests, declared all fatwas illegal. Several weeks later, the Appellate Court stayed the High Court's ruling. No date was set for rehearing the issue. Only those muftis (religious scholars) who have expertise in Islamic law are authorized to declare a fatwa; however, in practice, village religious leaders sometimes made declarations on individual cases, calling the declaration a fatwa. Fatwas commonly dealt with marriage and divorce, or meted out punishments for perceived moral transgressions. Victims were sometimes lashed or shunned by their communities.

Violence, including killings and injuries, occurred both before and after the 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 CG 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.

## **Freedom of Speech and Press**

The Constitution provides for freedom of speech and of the press; however, the Government did not respect these rights in practice.

Individuals cannot criticize the Government publicly without fear of reprisal. The Government attempted to impede criticism by prohibiting or dispersing political gatherings.

As in past years, journalists pressed for repeal of the Official Secrets Act of 1923. According to the Act, a citizen must prove why he or she 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.

The hundreds of daily and weekly publications provided a forum for a wide range of views. While some publications supported the overall policies of the Government, most newspapers reported critically on government policies and activities. In addition to an official government-owned wire service, there was one private wire service affiliated with overseas ownership.

## **Islam in Bangladesh**

Bangladesh (formerly East Pakistan) has traditionally been a land of moderate Islam where secular Bengali culture is celebrated just as much as the Muslim faith. However, the October election results show a concerning trend towards more radical Islam.

Therefore, the prime minister and her government is having good relationships with the Islamic parties and showing its interests towards Islam in the country too. Because, Khalida Zia's government is an alliance with two of most prominent religious parties i.e. Jamaat-e-Islami (JI) and Islami Oikko Jote (IOJ). Therefore, the government seems to be more Islamic ever in the history Bangladesh.

## **Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status**

The Constitution states "All citizens are equal before the law and are entitled to equal protection by the law;" however, in practice the Government did not strongly enforce laws aimed at eliminating discrimination. Women, children, minority groups, and persons with disabilities often confronted social and economic disadvantages. 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.

## Women

Domestic violence was widespread, although violence against women was difficult to quantify because of unreliable statistics and societal inhibitions about reporting such violence. Much of the reported violence against women was related to disputes over dowries. According to human rights organizations, there were 261 dowry-related killings during the year. In addition, 23 women committed suicide and 85 women were tortured following disputes over dowries.

The law prohibits rape and physical spousal abuse, but it makes no specific provision for spousal rape as a crime. During the year, 1,336 rapes were reported. Prosecution of rapists was uneven. Many rapes were unreported. In some cases, rape victims committed suicide to escape the psychological aftermath, including social stigma.

## Children

The Government undertook programs in the areas of primary education, health, and nutrition. Many of these efforts were supplemented by local and foreign NGOs. These joint efforts allowed the country to make significant progress in improving health, nutrition, and education; however, slightly more than one-half of all children were still chronically malnourished.

According to human rights groups, 575 children were abducted, nearly 1,300 suffered unnatural deaths, and over 3,100 children fell victim to serious abuses such as rape, sexual harassment, torture, and acid attack during the year.

Because of widespread poverty, many children were compelled to work at a very young age. This frequently resulted in abuse of children, mainly through mistreatment by employers during domestic service and occasionally included servitude and prostitution; this labor-related child abuse occurred at all levels of society and throughout the country. Sometimes children were seriously injured or killed in workplaces. Reports from human rights monitors indicated that child abandonment, kidnapping, and trafficking continued to be serious and widespread problems. 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. The minimum age requirement of 18 for legal prostitution commonly was ignored by authorities and circumvented by false statements of age. Procurers of minors rarely were prosecuted, and large numbers of child prostitutes worked in brothels.

In the decade from 1988 to 1998, 200, 000 Bangladeshi girls were sold into the sex industry in nations including Pakistan, India and Middle East, (Ahmed, 2004).

Bangladeshi government is much concerned with the child rights; therefore it has ratified Convention on the Rights of Child (CRC) in 1990.

Khalida Zia's government has also taken some of very important steps for the protection of children and ratified two conventions and ratified the Optional Protocol to the Convention on the Rights of the Child (CRC-OP-AC) on the involvement of children in armed conflict on 12 February 2002 and also ratified the Optional Protocol and the Convention on the Rights of the Child (CRC-OP-SC) on the sale of children, child prostitution and child pornography on 18 January 2002.

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

The Constitution prohibits torture and cruel, inhuman, or degrading punishment; however, police routinely employed physical and psychological torture as well as cruel, inhuman, and degrading treatment during arrests and interrogations. Torture may consist of threats and beatings, and the use of electric shock. According to the Bangladesh Rehabilitation Center for Trauma, there were 1,296 victims of torture and 115 deaths due to torture by security forces during the year. Victims were predominantly from the lowest end of the economic scale. The Government rarely charged, convicted or punished those responsible, and a climate of impunity allowed such police abuses to continue.

### **Arbitrary Arrest, Detention, and Exile**

The Constitution provides that each person arrested shall be informed of the grounds for detention, provided access to a lawyer of his or her choice, brought before a magistrate within 24 hours, and freed unless the magistrate authorizes continued detention. However, the Constitution specifically allows preventive detention, with specified safeguards, outside these requirements. In practice, authorities frequently violated these constitutional provisions, even in non-preventive detention cases.

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

Security forces committed a number of politically motivated and extrajudicial killings.

On February 23, the Parliament adopted legislation to shield security forces from legal consequences for all their acts during the nationwide joint security forces "Operation Clean Heart" anti-crime drive, which caused an estimated 50 deaths and involved an unknown number of torture victims. The Joint Drive Indemnity Act barred people from seeking justice through the courts for the deaths and human rights violations that occurred during the drive, which lasted from October 16, 2002 through January 9. On April 13, the High Court issued a show cause notice to the government regarding the legality of the Indemnity Act, but there were no developments at year's end.

### **Governmental Attitude Regarding 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. Prominent human rights NGOs included: Odhikar (Rights), Bangladesh Society for the Enforcement of Human Rights, Ain O Shalish Kendro (Law Mediation Center), Shishu Adhikar Forum (Civil Rights Forum), Adibashi Forum

(Indigenous Peoples Forum), Bangladesh Rehabilitation Center for Trauma Victims (BRCT), and Naari Pokkho (On Women's Sides), Bangladesh Women Lawyers' Association, Bangladesh Mahila Parishad (Women's Council), and Justice and Peace Commission. While human rights groups were often sharply critical of the Government, they also practiced self-censorship, particularly on some politically sensitive cases and subjects.

Government officials were defensive about international criticism regarding human rights problems. However, the Government maintained a dialog on human rights issues with international organizations such as the U.N. Human Rights Commission and the ICRC; however, neither of these organizations visited the country during the year. Despite their election pledge and repeated public announcements, the Government did not enact legislation establishing an independent National Human Rights Commission. The previous government also failed to establish this commission despite repeated promises.

These bitter realities are clearly manifesting vulnerability of minorities in the country and ignorance of government on such issues may be due to pressure from political Muslim parties.

### **References:**

Ahmed, Z., Shahab (2004). Commercial Sexual Exploitation of Children: In a South Asian Perspective, Sahil NGO again child sexual abuse, Pakistan.

Bangladesh Human Rights Report (online available):

<http://www.ncbuy.com/reference/country/humanrights.html?code=bg&sec=intro>

UN Economic and Social Council (2004). Question of the violation of human rights and fundamental freedoms in any part of the world, International Federation of Human Rights. E/CN.4/2004/NGO/158.