



Home Office

Report of a Home Office Fact-Finding Mission Bangladesh

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Map of Bangladesh



Map No. 9711 Rev.2 UNITED NATIONS
January 2004

Department of Peacekeeping Operations
Cartographic Section 1

¹ Map of Bangladesh, Maps of the World <http://www.maps-of-the-world.net/maps/maps-of-asia/maps-of-bangladesh/large-detailed-political-and-administrative-map-of-bangladesh-with-roads-cities-and-airports.jpg>. Date accessed: 2 July 2017. Note: map edited by CPIT to show Sylhet Division.

Introduction

This document provides information obtained from the Home Office's Fact-Finding Mission (FFM) to Bangladesh. It does **not** provide advice on handling particular types of protection and human rights claims. For this, see the Bangladesh country information and guidance page on the [Gov.uk website](#).

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Background

The FFM was conducted by three officials from the Country Policy and Information Team (CPIT), Home Office, with support from the British High Commissioner to Bangladesh, Foreign and Commonwealth Office (FCO), between 14 and 26 May 2017. The team visited Dhaka and Sylhet.

The FFM team would like to thank the British High Commissioner and her staff for their considerable assistance before, during and after the mission.

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Purpose of the mission

The purpose of the mission was to gather accurate and up-to-date information from a range of sources about the political situation, judiciary, the police, prisons, the media, religious minorities, sexual and gender identity minorities, Rohingya and women.

This information is to complement existing publicly available material, the majority of which has been obtained from sources outside of the country.

A full Terms of Reference (ToR) is available at [Annex A](#).

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Methodology

The FFM was undertaken with reference to the [EU \[European Union\] common guidelines on \(Joint\) Fact Finding Missions: a practical tool to assist member states in organizing \(joint\) Fact Finding Missions](#), November 2010 (EU Guidelines 2010).

Identification of sources

The FFM Team sought to interview a wide range of sources, including British officials, officials from other countries, international and domestic human rights and advocacy organisations and members of the Bangladeshi press, amongst others.

That a particular source was interviewed and the notes of that interview have been included should not be considered as the Home Office's endorsement of that source or the information provided. Rather, all sources and information provided needs to be critically assessed and considered against other publicly available material.

In identifying interlocutors, the FFM Team consulted with the British High Commissioner to Bangladesh.

The sources contacted and interviewed represent the sources that the FFM Team were able to identify as relevant to the mission. But, as with any Fact-Finding Mission, factors including time constraints and availability meant that the list of sources consulted and information provided are not exhaustive.

A list of sources interviewed is at [Annex B](#).

Arranging and conducting Interviews

The FFM Team conducted 27 face-to-face interviews.

In total, the FFM Team met 57 people during the interviews.

At the start of each interview the FFM Team explained the purpose of the mission including that the notes may be published in a report and that the sources would be able to review the notes before publication. A copy of this explanation can be found at [Annex C](#).

Notes of interviews/meetings

The FFM Team made notes of meetings with sources, which were sent by email for review and approval. The style of notes vary depending on which FFM official wrote them up; some are written as third-person summaries, some are in a first-person question-and-answer format.

14 of the sources approved the notes, with a number making amendments to the original drafts.

All sources were asked how they would prefer to be referenced. A number of sources requested varying degrees of anonymity to protect their professional privacy or to protect their safety. In these cases, the FFM Team asked sources to provide a description of how they preferred to be referenced. All sources are described according to their own request where this was specifically made.

Two sources (the same source but different interviews) did not agree to disclose the interview notes at all.

The notes of all interviews with sources are available at [Annex D](#).

Structure of this report

The report is split into:

- An executive summary;
- A thematically arranged narrative reflecting the Terms of Reference (ToR), in summary form ('summary report');
- Annexes: the ToR; background preamble provided to sources; a list of sources; and notes of interviews

Bold has been used to highlight questions asked by the FFM Team which have been included in the notes and in the report narrative.

Where appropriate, square brackets have been used to provide explanatory comments.

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List of abbreviations

AL	Awami League
ASK	Ain o Salish Kendra
BGB	Border Guard Bangladesh
BHC	British High Commission
BHBCUC	Bangladesh Hindu Buddhist Christian Unity Council
BLAST	Bangladesh Legal Aid and Services Trust
BNP	Bangladesh National Party
BoB	Boys of Bangladesh
CHT	Chittagong Hill Tracts
CID	Criminal Investigation Department
CMRA	Child Marriage Restraint Act
DfID	Department for International Development [UK]
DWP	Department for Work and Pensions [UK]
EJK	Extra-judicial killing
FIR	First Information Report
FFM	Fact-Finding Mission
GoB	Government of Bangladesh
GDP	Gross Domestic Product
GBV	Gender-based violence
H-e-I	Hefazat-e-Islam
ICC	International Criminal Court
ICT	Information and Communication Technology (Act)
ILO	International Labour Organisation
IOM	International Organisation for Migration
JCB	Bangladesh Jatiotabadi Chatra Dal
J-e-I	Jamaat-e-Islami
JSC	Judicial Service Commission
LGBT	Lesbian Gay Bisexual Transgender
MDMR	Ministry of Disaster Management and Relief
MSF	Médicines Sans Frontières
MSM	Men who have sex with men
NGO	Non-Government Organisation
OC	Officer in Charge [in Rohingya refugee camps]

OSCS	One Stop Crisis Centre
RAB	Rapid Action Battalion
SPA	Special Powers Act
TI	Transparency International
Tk	Taka [Bangladeshi currency]
UKBET	UK Bangladesh Education Trust
UMN	Undocumented Myanmar Nationals [Rohingya]
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund

Executive summary

This Fact-Finding Mission (FFM) report covers a wide brief, ranging from the political situation, the police, judiciary, prisons, the media, sexual and gender minorities, religious minorities, women and the issue of the Rohingya ethnic group in the south.

While this coverage is wide, particular themes do emerge. Bangladesh's high population density explains some of its human rights challenges. The competition for land has disadvantaged some groups, particularly religious minorities, and disputes about these issues in particular has resulted in chronic judicial dysfunction and opened up space for corruption.

Prisons are overcrowded, although basic needs are generally being met.

Inter-religious community relations are good. However, there is a trend of rising Islamism, impacting across society and government. Alongside this is a growing secularism, which has led to clashes with Islamism, particularly exacerbated through the increasing use of social media. The Government has been robust in its response to terrorism.

Bangladesh is a democracy, but violence is part of the political situation, particularly around election times. The Rapid Action Battalion (RAB) has a particularly notorious reputation for committing human rights abuses.

The media is generally free but practices self-censorship on some issues.

Sexual and gender minorities are generally not open about their identity due to conservative social and cultural norms. There is some discrimination against them and they generally cannot obtain protection from the authorities if they are open about their sexuality.

Women do not have an equal social status to men and marriage is seen as the main source of social acceptance. Women are generally unable to avail themselves of the protection of authorities, again mainly for social and cultural reasons, if they become victims of gender-based violence (GBV), and Non-Government Organisations (NGOs) are the main source of support.

In Cox's Bazar in the south, the Rohingya issue has become more serious with another influx of around 70,000 Rohingya from Burma in October 2016, to add to the 200,000-500,000 already in Bangladesh. There is still no resolution of Rohingya immigration and citizenship status. For the minority in the refugee camps, basic needs are being met although conditions are poor and overcrowded.

The FFM team also interviewed sources in Sylhet, in the north-east, to achieve a more rounded picture of the human rights situation across different parts of the country. However, there are no particular human rights concerns in Sylhet relative to other parts of the country.

Summary report

1. Overview

1.1 Geography

- 1.1.1 Bangladesh is a country in central Asia, bordering India to the west, north and east, Burma (Myanmar) to the south-east and the Indian Ocean to the south. It is 147,570 km squared, about the size of England and Wales. Bangladesh is the location of a large river delta, and the geography is such that the country is vulnerable to environmental degradation and climate change.²

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1.2 Demography

- 1.2.1 Bangladesh has an estimated population of 160 million and is one of the most densely populated countries in the world. The population has doubled in size since the country became independent from Pakistan in 1971 (it was formerly called East Pakistan).³
- 1.2.2 There are currently some 10 million Bangladeshis living outside Bangladesh, mostly in Gulf countries. Within Bangladesh, the Government in 2016 registered 1 million migrant workers; 4-5 years ago it was 400 – 500,000. The Government has committed to a five-year plan (2016-21) to improve and manage migration.⁴
- 1.2.3 Sylhet division, in the north-east, has historic links with the United Kingdom. About 40,000 Bangladeshis who formerly lived in Britain have retired in Sylhet.^{5 6}
- 1.2.4 According to the Bangladesh Indigenous People's Forum, while most people are ethnically Bengali, there are 48 indigenous communities in the country, mainly in the north and in Chittagong in the south-east. There are 3 million indigenous peoples, constituting 2 per cent of the population (according to the [2011] government census). About a third of indigenous peoples live in the Chittagong Hill Tracts (CHT). The CHT area has seen an influx of non-indigenous settlers within the last seventy years.⁷

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1.3 Languages

- 1.3.1 The official language is Bangla (Bengali).⁸

² [M Asaduzzman Sayem, Executive Director, UK Bangladesh Education Trust \(UKBET\), 21 May 2017](#)

³ [Sanjeeb Drong, General Secretary, Bangladesh Indigenous People's Forum, 25 May 2017](#)

⁴ [UN High Commissioner for Refugees \(UNHCR\) and International Organization for Migration \(IOM\), 17 May 2017](#)

⁵ [British High Commission \(BHC\) Dhaka, 16 May 2017](#)

⁶ [Members of the press, 20 May 2017](#)

⁷ [Sanjeeb Drong, General Secretary, Bangladesh Indigenous People's Forum, 25 May 2017](#)

⁸ [M Asaduzzman Sayem, Executive Director, UK Bangladesh Education Trust \(UKBET\), 21 May 2017](#)

1.4 Religion

1.4.1 Bangladesh's religious profile consists of:

- 90 per cent Muslims;
- 8.4 - 9 per cent Hindus;
- 1 per cent other religions (mainly Buddhists and Christians)^{9 10 11}

1.4.2 The population of religious minorities has decreased during Bangladesh's history. Hindus formerly constituted 30 per cent of people.^{12 13} At the time of independence religious minorities constituted 20 per cent of the population. Hindus have mainly left for India; a Hindu leader observed that no research has been done to find out the reasons why these people are leaving.^{14 15} There are around 50,000 Hindu temples in Bangladesh. Hindus are spread across the country but live mainly in the south.¹⁶

1.4.3 Of the Christian population, a representative of the Baptist Church observed that 50 per cent are Catholic and 50 per cent are Protestant, such as Anglicans, Assemblies of God and Baptists. Christians live mainly in the south. In Dhaka, the capital city, most Christians are Roman Catholics. Protestants are found in the south, for example in Barisal.¹⁷

1.4.4 The same source noted that Buddhists live mainly in Kacgaracahi, Rangamali and Bandai in the Chittagong area.¹⁸

1.4.5 Ahmadi (Ahmadiyya) community members observed that there are approximately 100,000 Ahmadis in Bangladesh.¹⁹

1.4.6 According to the Bangladesh Indigenous People's Forum, almost 99 per cent of indigenous peoples are non-Muslim.²⁰

1.5 Economy

1.5.1 Bangladesh's economy has grown in recent years; over the past decade there has been an average of 6.8 - 7 per cent Gross Domestic Product

⁹ [Source, 25 May 2017](#)

¹⁰ [Human rights organisation, 23 May 2017](#)

¹¹ [Kejal Debnath, Hindu leader and Presidium Member, Bangladesh Hindu Buddhist Christian Unity Council \(BHBCUC\), 25 May 2017](#)

¹² [Source, 25 May 2017](#)

¹³ [Western officials, 25 May 2017](#)

¹⁴ [Kejal Debnath, Hindu leader and Presidium Member, Bangladesh Hindu Buddhist Christian Unity Council \(BHBCUC\), 25 May 2017](#)

¹⁵ [Reverend Ashim Kr Baroi, General Secretary, Bangladesh Baptist Church Sangha, 24 May 2017](#)

¹⁶ [Kejal Debnath, Hindu leader and Presidium Member, Bangladesh Hindu Buddhist Christian Unity Council \(BHBCUC\), 25 May 2017](#)

¹⁷ [Reverend Ashim Kr Baroi, General Secretary, Bangladesh Baptist Church Sangha, 24 May 2017](#)

¹⁸ [Reverend Ashim Kr Baroi, General Secretary, Bangladesh Baptist Church Sangha, 24 May 2017](#)

¹⁹ [Abdul Awwal Chowdhury, Ahmadiyya Muslim Jama'at Bangladesh, and Ahmadiyya Muslim community member, 24 May 2017](#)

²⁰ [Sanjeeb Drong, General Secretary, Bangladesh Indigenous People's Forum, 25 May 2017](#)

(GDP) growth per annum.^{21 22} The Government has met many of Bangladesh's Millennium Development Goals.^{23 24}

- 1.5.2 The Government has attempted to eliminate child labour. It declared 38 types of work as 'hazardous'; it is illegal for an under-18 to work in these jobs and illegal to employ anyone under 14. However, there is still child labour, particularly among poor children and those who drop out of school.²⁵
- 1.5.3 About 70 million people are Internet users²⁶; 28 million people are on Facebook.²⁷

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1.6 Education

- 1.6.1 The UK Bangladesh Education Trust (UKBET), an education NGO, commented on education in Bangladesh. Education is free up to 13/14 years for boys and 15/16 for girls. There has been significant improvement in girls' education. However, the source observed that overall the quality of education is declining; class sizes are still 70-90 in some areas, such as rural Sylhet; there has been a decline in standards of teachers; and there are many private universities but they do not equip people with skills to get a job.²⁸

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1.7 Human rights organisations

- 1.7.1 There a number of human rights organisations in Bangladesh, some of whom were interviewed by the FFM delegation. They provide a range of services, such as research and support for victims of human rights violations. See [Annex B](#) for a list of sources and [Annex D](#) for interview notes that describe the work of these groups.

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2. Political situation

2.1 Overview

- 2.1.1 The current ruling party is the Awami League (AL); the Prime Minister is Sheikh Hasina, who has been in office since January 2009. The main

²¹ [Human rights organisation, 23 May 2017](#)

²² [Abdul Awwal Chowdhury, Ahmadiyya Muslim Jama'at Bangladesh, and Ahmadiyya Muslim community member, 24 May 2017](#)

²³ [M Asaduzzman Sayem, Executive Director, UK Bangladesh Education Trust \(UKBET\), 21 May 2017](#)

²⁴ Also see: General Economics Division (GED), Bangladesh Planning Commission, Government of the People's Republic of Bangladesh, 'Millennium Development Goals – Bangladesh Progress Report 2015', September 2015, p. 3, <http://www.plancomm.gov.bd/wp-content/uploads/2015/09/MGDs-Bangladesh-Progress-Report-PDF-Final-September-2015.pdf>. Accessed: 31 August 2017

²⁵ [M Asaduzzman Sayem, Executive Director, UK Bangladesh Education Trust \(UKBET\), 21 May 2017](#)

²⁶ [Journalists, 24 May 2017](#)

²⁷ [Boys of Bangladesh \(BoB\), 24 May 2017](#)

²⁸ [M Asaduzzman Sayem, Executive Director, UK Bangladesh Education Trust \(UKBET\), 21 May 2017](#)

opposition party, the Bangladesh National Party (BNP), headed by Khaleda Zia, boycotted the last election, held in 2014.²⁹ The next election will be held by 28 December 2018, or possibly stretched to January 2019.³⁰

- 2.1.2 The AL is viewed as more secular, with links to minority groups, although several sources observed that the party is moving in a more 'Islamic' direction.^{31 32 33}
- 2.1.3 The BNP-led '18 Party Alliance' includes certain parties, such as Jamaat-e-Islami (J-e-I).³⁴ Members of the press, when interviewed, observed that the Alliance operates at a central rather than local level.³⁵ According to JANIPOP, an electoral monitoring organisation, the BNP have links with the Pakistani ISI (Inter-Services Intelligence).³⁶ The BNP's position has weakened following its decision to boycott the last election, although it remains a viable party.^{37 38 39} According to JANIPOP, the BNP are likely to contest the next general election.⁴⁰
- 2.1.4 Some political groups, such as Hizb ut-Tahrir, are proscribed.⁴¹ Lawyers noted that, following violence, there have been restrictions on the activities of some parties.⁴²
- 2.1.5 A couple of sources noted that MPs are required to vote to support their respective parties.^{43 44} Members of the press observed that there are no real ideological differences between factions within the Awami League and BNP, and disputes are primarily about control and power.⁴⁵
- 2.1.6 Several sources observed that violence was part of the political process, particularly around election times.^{46 47} For example, a human rights organisation noted that clashes between Hefazat-e-Islam (H-e-I), an Islamist organisation, and pro-government supporters and forces in the Shahbagh area of Dhaka resulted in a number of extra-judicial killings (EJKs) (between 44 and 61, depending on the NGO quoted), although the Government has denied that this happened.⁴⁸ Western officials noted unverified reports of

²⁹ [Professor Dr. Nazmul Ashan Kalimullah, Director, JANIPOP, 18 May 2017](#)

³⁰ [Professor Dr. Nazmul Ashan Kalimullah, Director, JANIPOP, 18 May 2017](#)

³¹ [Kejal Debnath, Hindu leader and Presidium Member, Bangladesh Hindu Buddhist Christian Unity Council \(BHBCUC\), 25 May 2017](#)

³² [Human rights organisation, 23 May 2017](#)

³³ [Western officials, 25 May 2017](#)

³⁴ [Western officials, 25 May 2017](#)

³⁵ [Members of the press, 20 May 2017](#)

³⁶ [Professor Dr. Nazmul Ashan Kalimullah, Director, JANIPOP, 18 May 2017](#)

³⁷ [Western officials, 25 May 2017](#)

³⁸ [Journalists, 24 May 2017](#)

³⁹ [Members of the press, 20 May 2017](#)

⁴⁰ [Professor Dr. Nazmul Ashan Kalimullah, Director, JANIPOP, 18 May 2017](#)

⁴¹ [Professor Dr. Nazmul Ashan Kalimullah, Director, JANIPOP, 18 May 2017](#)

⁴² [Lawyers, 21 May 2017](#)

⁴³ [Ain o Salish Kendra \(ASK\), 18 May 2017](#)

⁴⁴ [Professor Dr. Nazmul Ashan Kalimullah, Director, JANIPOP, 18 May 2017](#)

⁴⁵ [Members of the press, 20 May 2017](#)

⁴⁶ [Journalists, 24 May 2017](#)

⁴⁷ [Western officials, 25 May 2017](#)

⁴⁸ [Human rights organisation, 23 May 2017](#)

arbitrary arrests of political opponents.⁴⁹ Members of the press commented that inter-party clashes have now reduced, although it is worse in some areas like Dhaka and Chittagong.⁵⁰

- 2.1.7 Western officials noted that there had been no hartals (strikes) over the past year.⁵¹

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2.2 Youth/student wings

- 2.2.1 Student or youth wings also participate in the political process. A human rights organisation alleged that some student groups are 'criminal fronts'.⁵² Sources stated that some student leagues, such as the Bangladesh Chhatra League (BCL), the student subsidiary of the Awami League, and the Jubo League, a youth wing of the AL, committed violence and extortion 'with impunity', although not all student groups act in this way.^{53 54} JANIPOP described the Chhatra League as 'not mainstream'.⁵⁵ Members of the press noted that there are many student groups, with different names and local leadership. The main parties do not always support their student wings; for example, the BNP is apparently in conflict with its own student wing, Jatiotabadi Chhatra Dal (JCD).⁵⁶
- 2.2.2 Members of the press observed that student activists, particularly members of the opposition, are most likely to be the targets of politically motivated violence and legal charges.⁵⁷

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2.3 Influence of Islamism

- 2.3.1 Many sources observed the rise in the influence of Islam and even Islamism, particularly in rural areas. This influence is manifested in society and social attitudes, with more Islamic practices such as halal meat and burkhas^{58 59}; in education policy, with textbooks reflecting more Islamic content and Government appeasement, for instance the recognition of those who pass through certain madrassas (Qawmi) as graduates.^{60 61 62} One source suggested that Islamists want to change the constitution to make it more

⁴⁹ [Western officials, 25 May 2017](#)

⁵⁰ [Members of the press, 20 May 2017](#)

⁵¹ [Western officials, 25 May 2017](#)

⁵² [Human rights organisation, 23 May 2017](#)

⁵³ [Western officials, 25 May 2017](#)

⁵⁴ [Members of the press, 20 May 2017](#)

⁵⁵ [Professor Dr. Nazmul Ashan Kalimullah, Director, JANIPOP, 18 May 2017](#)

⁵⁶ [Members of the press, 20 May 2017](#)

⁵⁷ [Members of the press, 20 May 2017](#)

⁵⁸ [Source, 25 May 2017](#)

⁵⁹ [Sanjeeb Drong, General Secretary, Bangladesh Indigenous People's Forum, 25 May 2017](#)

⁶⁰ [Western officials, 25 May 2017](#)

⁶¹ [Kejal Debnath, Hindu leader and Presidium Member, Bangladesh Hindu Buddhist Christian Unity Council \(BHBCUC\), 25 May 2017](#)

⁶² [Professor Dr. Nazmul Ashan Kalimullah, Director, JANIPOP, 18 May 2017](#)

'Islamic'.⁶³ However, one source, UKBET, said that there had been no rise in radicalisation in the madrassas.⁶⁴

2.3.2 Sources described reasons for this rising Islamism: the global situation (for example, US foreign policy)⁶⁵; the 'strategic' use of technology to spread the Islamist message⁶⁶; and the influence of Saudi Arabia and 'mullahism'.^{67 68}

2.3.3 Several sources described a strong Government response to terrorism, particularly since the Holey Artisan Bakery terrorist attack in July 2016.^{69 70 71}

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2.4 Laws used against political opponents

2.4.1 The [Special Powers Act \(SPA\), 1974](#), is still used against opponents, but rarely.^{72 73 74} An advisor from the Department for International Development (DfID) suggested that it has been superseded by other laws.⁷⁵

2.4.2 A source said that arrests are only made when a criminal offence has been committed.⁷⁶

2.4.3 Ain o Salish (ASK), a human rights NGO, noted that Presidential pardons are mostly given to those affiliated to the ruling party.⁷⁷

2.4.4 A human rights organisation noted that the [Information and Communication Technology Act of 2006 \(amended in 2009\)](#) has been used to charge political opponents.⁷⁸ See also: [Laws used against journalists](#)

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2.5 Arrests and detention

2.5.1 Bangladesh Legal Aid and Services Trust (BLAST) referred to 'mass arrests from time to time when the political opposition has announced programmes'.⁷⁹

⁶³ [Abdul Awwal Chowdhury, Ahmadiyya Muslim Jama'at Bangladesh, and Ahmadiyya Muslim community member, 24 May 2017](#)

⁶⁴ [M Asaduzzman Sayem, Executive Director, UK Bangladesh Education Trust \(UKBET\), 21 May 2017](#)

⁶⁵ [Source, 25 May 2017](#)

⁶⁶ [Source, 25 May 2017](#)

⁶⁷ [Reverend Ashim Kr Baroi, General Secretary, Bangladesh Baptist Church Sangha, 24 May 2017](#)

⁶⁸ [Abdul Awwal Chowdhury, Ahmadiyya Muslim Jama'at Bangladesh, and Ahmadiyya Muslim community member, 24 May 2017](#)

⁶⁹ [Kejal Debnath, Hindu leader and Presidium Member, Bangladesh Hindu Buddhist Christian Unity Council \(BHBCUC\), 25 May 2017](#)

⁷⁰ [Source, 25 May 2017](#)

⁷¹ [Professor Dr. Nazmul Ashan Kalimullah, Director, JANIPOB, 18 May 2017](#)

⁷² [Department for International Development \(DfID\) Dhaka, 17 May 2017](#)

⁷³ [Bangladesh Legal Aid and Services Trust \(BLAST\), 25 May 2017](#)

⁷⁴ [Human rights organisation, 23 May 2017](#)

⁷⁵ [Department for International Development \(DfID\) Dhaka, 17 May 2017](#)

⁷⁶ [Source, 21 May 2017](#)

⁷⁷ [Ain o Salish Kendra \(ASK\), 18 May 2017](#)

⁷⁸ [Human rights organisation, 23 May 2017](#)

⁷⁹ [Bangladesh Legal Aid and Services Trust \(BLAST\), 25 May 2017](#)

- 2.5.2 One human rights organisation claimed that a person in detention will face torture (physical or psychological) unless there are exceptional reasons why they would not, such as the torture attracting wider attention. Even senior people are tortured. Torture is 'very endemic', particularly for political activists.⁸⁰

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2.6 Executions

- 2.6.1 An official at the British High Commission (BHC) Dhaka noted that Bangladesh has the death penalty and it was used recently on six men hanged for crimes committed during the 1971 War of Independence.⁸¹

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2.7 Human rights violations

- 2.7.1 A human rights organisation alleged that a government sponsored vigilante group acts as 'shadow law enforcement' to attack pro-opposition groups.⁸²
- 2.7.2 The same source observed that Bangladesh is a signatory to the Rome Statute of the International Criminal Court (ICC), which has a provision against enforced disappearance. However, enforced disappearances still occur, committed by the Rapid Action Battalion (RAB). The source claimed that the current number of disappeared persons is 350, although this is probably an underestimate, and that the rate of enforced disappearances has increased since 2009.⁸³

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2.8 Protection

- 2.8.1 A human rights organisation claimed that a pro-opposition political activist cannot obtain protection from the police.⁸⁴

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3. Police and security services

3.1 Organisational structure

- 3.1.1 A source noted that there were approximately 170,000 police personnel across Bangladesh. Dhaka Metropolitan Police has the largest number, approximately 30,000 personnel.⁸⁵
- 3.1.2 There are female police officers (and the numbers have increased from 1.87 per cent to 6.04 per cent between 2008 and 2014), but there is no guarantee that a female officer can deal with any particular case, for example GBV, on request.^{86 87}

⁸⁰ [Human rights organisation, 23 May 2017](#)

⁸¹ [British High Commission \(BHC\) Dhaka, 16 May 2017](#)

⁸² [Human rights organisation, 23 May 2017](#)

⁸³ [Human rights organisation, 23 May 2017](#)

⁸⁴ [Human rights organisation, 23 May 2017](#)

⁸⁵ [Source, 21 May 2017](#)

⁸⁶ [Department for International Development \(DfID\) Dhaka, 17 May 2017](#)

- 3.1.3 One source said that police stations in rural areas may be further away from some communities but road conditions are good and rural communities can be reached quickly.⁸⁸ Transparency International (TI) commented that the police lack logistical and infrastructure support.⁸⁹
- 3.1.4 A source noted that there is no national police emergency phone number. It is only the Dhaka Metropolitan Police that have an emergency number (999), but local police stations display their local phone numbers in the community.⁹⁰ Two sources noted that the police also have a phone app and a website, which provides contact information.^{91 92}
- 3.1.5 An official at the BHC noted that Immigration Police deal with immigration issues. They are not always linked up with other law enforcement agencies. The Government can sometimes issue a 'blacklist' or 'no-fly list' of names to the Immigration Police, but these are not comprehensive and can be politically selective. 99 per cent of people attempting to leave the country, even if charged with a crime, would not normally face difficulties.⁹³ However, one source observed that if any person was wanted for a crime the police would alert immigration and other stations nationally.⁹⁴
- 3.1.6 The BHC claimed that the police are poorly paid.⁹⁵

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3.2 Reporting and arrest procedures

- 3.2.1 One source said that a person could make a police report outside the jurisdiction of the crime but that it is preferable to report to the local police.⁹⁶ BLAST noted that Section 154 of the Criminal Procedure says that any office is bound to take a complaint.⁹⁷ However, the BHC said that a crime can only be reported to a police station within the jurisdiction of where the crime occurred.⁹⁸
- 3.2.2 One source said that an arrested person must be brought before the magistrate within 24 hours of their arrest and a police report must be submitted to the court to justify why a person is being held. If the police wish to hold a person longer than 24 hours, for further investigation, this must be approved by the court, and a report submitted to the Ministry of Interior.⁹⁹ Members of the press observed that how long someone spends on remand depends on the offence. Some people could be detained as long as as three months before charge, in political and criminal cases, but the court has to

⁸⁷ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

⁸⁸ [Source, 21 May 2017](#)

⁸⁹ [Transparency International \(TI\), 23 May 2017](#)

⁹⁰ [Source, 21 May 2017](#)

⁹¹ [Source, 21 May 2017](#)

⁹² [Western officials, 25 May 2017](#)

⁹³ [British High Commission \(BHC\) Dhaka, 18 May 2017](#)

⁹⁴ [Source, 21 May 2017](#)

⁹⁵ [British High Commission \(BHC\) Dhaka, 16 May 2017](#)

⁹⁶ [Source, 21 May 2017](#)

⁹⁷ [Bangladesh Legal Aid and Services Trust \(BLAST\), 25 May 2017](#)

⁹⁸ [British High Commission \(BHC\) Dhaka, 18 May 2017](#)

⁹⁹ [Source, 21 May 2017](#)

grant it. Legal representation is available but can take a long time to organise, even years in some cases.¹⁰⁰ DfID noted that a person has a constitutional right to be presented to a court 24 hours after his arrest, although this does not always happen. If a person does not have legal representation a judge can appoint it, at his discretion, which can lead to delays.¹⁰¹

- 3.2.3 Lawyers noted that an arrest warrant is given directly to the accused; failing that, to the male head of the family; and, if this is not possible, posted in a public place and, finally, placed in a national daily newspapers on two occasions.¹⁰²
- 3.2.4 One source stated that, in Sylhet, each police station has a cell for men, and a cell for women. Children are kept separately, in the officer's room.¹⁰³

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3.3 Documents

- 3.3.1 One source provided a copy of an arrest warrant, which was cream in colour.¹⁰⁴

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3.4 Surveillance mechanisms

- 3.4.1 One source stated that there was no police intranet in Sylhet; the Dhaka Metropolitan Police have systems but they are not interlinked with other districts. Most electronic communication is through radio, fax, email or encrypted Messenger. The source said that they have an electronic fingerprint database but this is not synchronised with other police stations. The Criminal Investigation Department (CID) disseminates information to other police units giving local police units the opportunity to compare information.¹⁰⁵
- 3.4.2 The source said that the police maintain a database of arrest warrants and court summons, both electronically and manually.¹⁰⁶
- 3.4.3 The source noted that internet monitoring capabilities are limited and not as good as in the UK, but the police can monitor mobile phone communications anywhere in the country. Different police units deal with monitoring within their jurisdiction and a legal process is followed for such surveillance. The police would not interfere with public privacy but if a person was suspected of committing an offence they may be put under surveillance. The source said that there were quite a large number of criminal gangs under surveillance.¹⁰⁷ A human rights organisation claimed that 'thousands of people's phones are tapped' and that the police/RAB have sophisticated

¹⁰⁰ [Members of the press, 20 May 2017](#)

¹⁰¹ [Department for International Development \(DfID\) Dhaka, 17 May 2017](#)

¹⁰² [Lawyers, 21 May 2017](#)

¹⁰³ [Source, 21 May 2017](#)

¹⁰⁴ [Source, 21 May 2017](#)

¹⁰⁵ [Source, 21 May 2017](#)

¹⁰⁶ [Source, 21 May 2017](#)

¹⁰⁷ [Source, 21 May 2017](#)

surveillance mechanisms, although they have not effectively developed a national computer.¹⁰⁸

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3.5 Enforcement of the law

3.5.1 ASK opined that a complaint against the ruling party would ‘go nowhere’, whereas the police would follow through a case against the political opposition.¹⁰⁹ A human rights organisation said that government party activists work with the police; many police officers have been recruited from the Prime Minister’s home district of Gopalganj.¹¹⁰ TI said that the police often offer protection to those with the ‘right connections’.¹¹¹

3.5.2 BLAST noted that people are not always confident in seeking police protection.¹¹²

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3.6 Rapid Action Battalion (RAB)

3.6.1 A human rights organisation said that RAB was founded in 2004 and their first operations were against the underground left. Despite successive parties promising to disband them while in opposition, this has not happened.¹¹³

3.6.2 A source stated that the RAB are part of the police force and it has similar branches, for example an investigation branch. It is answerable to the same bodies as the police and come under the Ministry of Interior.¹¹⁴ A human rights organisation noted that the officers in the RAB are seconded from the defence forces and it has more logistics and ‘torture equipment’ than the police. People believe that members of the RAB and the police can be hired out by one to kill another. RAB competes with the counter-terrorism unit of the police for resources.¹¹⁵

3.6.3 A human rights organisation mentioned a Swedish Radio report of a RAB commander who said that it was acceptable to kill people and plant weapons on them.¹¹⁶ Western officials noted that RAB is particularly seen to commit abuses such as EJKs and abductions.¹¹⁷

3.6.4 Western officials said that it was hard to gauge public opinion of the RAB or law enforcement.¹¹⁸

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¹⁰⁸ [Human rights organisation, 23 May 2017](#)

¹⁰⁹ [Ain o Salish Kendra \(ASK\), 18 May 2017](#)

¹¹⁰ [Human rights organisation, 23 May 2017](#)

¹¹¹ [Transparency International \(TI\), 23 May 2017](#)

¹¹² [Bangladesh Legal Aid and Services Trust \(BLAST\), 25 May 2017](#)

¹¹³ [Human rights organisation, 23 May 2017](#)

¹¹⁴ [Source, 21 May 2017](#)

¹¹⁵ [Human rights organisation, 23 May 2017](#)

¹¹⁶ [Human rights organisation, 23 May 2017](#)

¹¹⁷ [Western officials, 25 May 2017](#)

¹¹⁸ [Western officials, 25 May 2017](#)

3.7 Corruption

- 3.7.1 Several sources stated that there was widespread corruption within the police.^{119 120 121} BLAST noted that there is a 'general perception' of corruption.¹²² Members of the press said that, in Sylhet, if police find out that a person has, for example, a brother in England they are more likely to be extorted [because of the perception that the person will have more money].¹²³
- 3.7.2 A human rights organisation alleged that, despite the [Torture and Custodial Death \(Prevention Act\) of 2013](#), custodial deaths occur and the police do not report them.¹²⁴

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3.8 Avenues of redress

- 3.8.1 A source stated that the police follow a Code of Conduct, that there are mechanisms in place for victims of police (including RAB) abuse and that internal, judicial, open investigations take place.¹²⁵ BLAST noted that the Torture and Custodial Prevention and Protection Act 2013 is a 'strong law' and can be used to file cases against police and RAB torture.¹²⁶ ASK noted that there 'are some examples of punishment against the rogue members of law enforcement agencies'. There are departmental punishments, under the Inspector General, but there is no independent body overseeing the conduct of the police. There is a complaints procedure against the RAB but mostly the complaints go unaddressed. However, ASK did refer to a case where 26 police officers (including 16 RAB officers) were sentenced to capital punishment after the EJKs of 7 people on 27 April 2014.¹²⁷
- 3.8.2 A human rights organisation suggested that avenues of redress were politicised: those responsible for the disappearance of AL supporters face the death penalty, although 'this would not have happened if the RAB targeted the opposition'.¹²⁸

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4. Judiciary

4.1 Structure

- 4.1.1 BLAST noted that there are 95 Supreme Court judges and 1,800 district judges.¹²⁹ TI commented that the people to judge ratios is among the worst in the world; more than 100,000 people per judge.¹³⁰

¹¹⁹ [Bangladesh Legal Aid and Services Trust \(BLAST\), 25 May 2017](#)

¹²⁰ [Transparency International \(TI\), 23 May 2017](#)

¹²¹ [Human rights organisation, 23 May 2017](#)

¹²² [Bangladesh Legal Aid and Services Trust \(BLAST\), 25 May 2017](#)

¹²³ [Members of the press, 20 May 2017](#)

¹²⁴ [Human rights organisation, 23 May 2017](#)

¹²⁵ [Source, 21 May 2017](#)

¹²⁶ [Bangladesh Legal Aid and Services Trust \(BLAST\), 25 May 2017](#)

¹²⁷ [Ain o Salish Kendra \(ASK\), 18 May 2017](#)

¹²⁸ [Human rights organisation, 23 May 2017](#)

¹²⁹ [Bangladesh Legal Aid and Services Trust \(BLAST\), 25 May 2017](#)

4.1.2 According to TI, constitutionally the Chief Justice appoints judges, but these decisions are often made by the executive. A Supreme Judicial Council oversees judges, but it is ineffective. Parliament and the Supreme Court have fought over the right to discipline judges whose independence has been compromised.¹³¹ Lawyers noted that in 2007 the then government separated the judiciary from the executive.¹³² JANIPOP commented that the existence of bodies such as the Law Commission and National Human Rights Commission are ‘tick box’ exercises to ensure that Bangladesh continues to receive funding from donors.¹³³

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4.2 Backlog

4.2.1 Several sources noted that the justice system struggles with a large backlog of cases (2.3 – 3 million) that has consequences including systemic dysfunction, prison overcrowding and creating the incentive to resolve disputes outside the formal justice system.^{134 135 136}

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4.3 Witness Protection Programme

4.3.1 Several sources said that there was no Witness Protection Programme as such, but other laws are in place to protect and help witnesses.^{137 138 139}

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4.4 Legal Aid

4.4.1 Several sources noted that the Government does provide Legal Aid, although not everybody is eligible.^{140 141 142}

4.4.2 Several sources mentioned that certain NGOs have legal aid functions.^{143 144} ¹⁴⁵ BLAST provide legal aid services to certain vulnerable groups such as the poor, women and children, disabled people, religious minorities and indigenous peoples.¹⁴⁶ TI said that the NGO legal aid was more effective than that provided by the Government.¹⁴⁷

¹³⁰ [Transparency International \(TI\), 23 May 2017](#)

¹³¹ [Transparency International \(TI\), 23 May 2017](#)

¹³² [Lawyers, 21 May 2017](#)

¹³³ [Professor Dr. Nazmul Ashan Kalimullah, Director, JANIPOP, 18 May 2017](#)

¹³⁴ [Department for International Development \(DfID\) Dhaka, 17 May 2017](#)

¹³⁵ [Ain o Salish Kendra \(ASK\), 18 May 2017](#)

¹³⁶ [Transparency International \(TI\), 23 May 2017](#)

¹³⁷ [Department for International Development \(DfID\) Dhaka, 17 May 2017](#)

¹³⁸ [Transparency International \(TI\), 23 May 2017](#)

¹³⁹ [Lawyers, 21 May 2017](#)

¹⁴⁰ [Department for International Development \(DfID\) Dhaka, 17 May 2017](#)

¹⁴¹ [Ain o Salish Kendra \(ASK\), 18 May 2017](#)

¹⁴² [Professor Dr. Nazmul Ashan Kalimullah, Director, JANIPOP, 18 May 2017](#)

¹⁴³ [Department for International Development \(DfID\) Dhaka, 17 May 2017](#)

¹⁴⁴ [Bangladesh Legal Aid and Services Trust \(BLAST\), 25 May 2017](#)

¹⁴⁵ [Professor Dr. Nazmul Ashan Kalimullah, Director, JANIPOP, 18 May 2017](#)

¹⁴⁶ [Bangladesh Legal Aid and Services Trust \(BLAST\), 25 May 2017](#)

4.5 Corruption

- 4.5.1 Several sources described corruption in the judiciary. DfID noted that it exists at every level and takes the form of bribe money to progress cases.¹⁴⁸ Western officials pointed to reports of judges being bribed.¹⁴⁹ BLAST felt that while ‘speed money’ is seen at the lower levels (bench clerks, support staff etc.), in general judges are not corrupt.¹⁵⁰ Two sources observed that corruption exists at all levels, but more frequently at the lower levels.^{151 152} However, lawyers interviewed said that corruption is worst at the higher end of the judiciary.¹⁵³
- 4.5.2 TI mentioned that corruption is ‘endemic’ even though the law is robust; for example the Anti-Corruption Law 2004 and the National Integrity Strategy 2012.¹⁵⁴
- 4.5.3 Sources said there has been some improvement in anti-corruption. TI ranked Bangladesh as 145 out of 176 countries in their latest Corruption Perceptions Index, an improvement on its previous ranking. TI noted that corruption amongst judges is less of a problem than it used to be.¹⁵⁵ UKBET observed that corruption has been tackled by paying Government workers more money.¹⁵⁶ Lawyers said that the recruitment of officials by a Judicial Service Commission (JSC) has had a good impact against corruption.¹⁵⁷

4.6 Fraudulently obtained and forged documents

- 4.6.1 The BHC noted that forged and fraudulently obtained documents were easily obtainable.¹⁵⁸ TI noted that there were significant incidents of forged documents, particularly in relation to land matters, but it is not a general problem.¹⁵⁹ Several sources commented that it was hard to fake news, such as posting an arrest warrant in a paper, in the mainstream media.^{160 161 162} One source noted that forged or fraudulent police or court documents are not

¹⁴⁷ [Transparency International \(TI\), 23 May 2017](#)

¹⁴⁸ [Department for International Development \(DfID\) Dhaka, 17 May 2017](#)

¹⁴⁹ [Western officials, 25 May 2017](#)

¹⁵⁰ [Bangladesh Legal Aid and Services Trust \(BLAST\), 25 May 2017](#)

¹⁵¹ [Transparency International \(TI\), 23 May 2017](#)

¹⁵² [Professor Dr. Nazmul Ashan Kalimullah, Director, JANIPOP, 18 May 2017](#)

¹⁵³ [Lawyers, 21 May 2017](#)

¹⁵⁴ [Transparency International \(TI\), 23 May 2017](#)

¹⁵⁵ [Transparency International \(TI\), 23 May 2017](#)

¹⁵⁶ [M Asaduzzman Sayem, Executive Director, UK Bangladesh Education Trust \(UKBET\), 21 May 2017](#)

¹⁵⁷ [Lawyers, 21 May 2017](#)

¹⁵⁸ [British High Commission \(BHC\) Dhaka, 16 May 2017](#)

¹⁵⁹ [Transparency International \(TI\), 23 May 2017](#)

¹⁶⁰ [Journalists, 24 May 2017](#)

¹⁶¹ [Transparency International \(TI\), 23 May 2017](#)

¹⁶² [Lawyers, 21 May 2017](#)

easily obtainable, because of counter-signature processes and the fact that all documents can be checked against a database.¹⁶³

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4.7 Land disputes

- 4.7.1 Several sources described land disputes as a big issue. A source noted that the most frequent problem the police deal with in Sylhet are land disputes and that these dominate the civil courts.¹⁶⁴ UKBET and the BHC corroborated this, and mentioned that British Bangladeshis are often affected by these disputes in Sylhet.^{165 166} Sources noted that the problems are worst during plantation and harvest times¹⁶⁷ and in rural rather than urban areas, but worst in rural slums, although 'common everywhere'.¹⁶⁸
- 4.7.2 A source stated that it can take many years, often generations, to resolve land disputes through the civil courts and because of this criminal activities often start. The police have special officers who will attempt mediation but this does not always work.¹⁶⁹ However, the BHC said that this special unit deal with land disputes 'successfully',¹⁷⁰ and UKBET pointed to Government improvements in mapping and digitisation of land registration that is having a positive impact on the resolution of land disputes.¹⁷¹

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4.8 Alternative Dispute Resolution (ADR)

- 4.8.1 ADR, or mediation, is a way of settling a case prior to formal court procedures. TI said that, by one estimate, almost 80 per cent of cases are settled out of court¹⁷²; DfID mentioned that it was 'around 70 per cent'.¹⁷³ BLAST look to ADR in the first instance where it is legally permissible and the client wishes to follow the process.¹⁷⁴
- 4.8.2 Two sources mentioned that lawyers are reluctant to use ADR because it means they will not get a paid case out of a dispute.^{175 176} Lawyers mentioned that judges get a 'promotion point' if an out-of-court agreement is secured.¹⁷⁷

¹⁶³ [Source, 21 May 2017](#)

¹⁶⁴ [Source, 21 May 2017](#)

¹⁶⁵ [M Asaduzzman Sayem, Executive Director, UK Bangladesh Education Trust \(UKBET\), 21 May 2017](#)

¹⁶⁶ [British High Commission \(BHC\) Dhaka, 16 May 2017](#)

¹⁶⁷ [Source, 21 May 2017](#)

¹⁶⁸ [Ain o Salish Kendra \(ASK\), 18 May 2017](#)

¹⁶⁹ [Source, 21 May 2017](#)

¹⁷⁰ [British High Commission \(BHC\) Dhaka, 16 May 2017](#)

¹⁷¹ [M Asaduzzman Sayem, Executive Director, UK Bangladesh Education Trust \(UKBET\), 21 May 2017](#)

¹⁷² [Transparency International \(TI\), 23 May 2017](#)

¹⁷³ [Department for International Development \(DfID\) Dhaka, 17 May 2017](#)

¹⁷⁴ [Transparency International \(TI\), 23 May 2017](#)

¹⁷⁵ [Bangladesh Legal Aid and Services Trust \(BLAST\), 25 May 2017](#)

¹⁷⁶ [Transparency International \(TI\), 23 May 2017](#)

¹⁷⁷ [Lawyers, 21 May 2017](#)

- 4.8.3 TI observed that more people are aware of local level mediation mechanisms (including Shalish) than Government legal aid. Mediation is driven by NGOs, but has not been implemented at grassroots level and is effective only as long as NGOs support it.¹⁷⁸

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4.9 Shalish

- 4.9.1 Shalish is a local, informal justice mechanism that has a long history in Bangladesh. DfID mentioned that there are two types of Shalish: traditional and modern. The former was originally set up in the 17th century; modern Shalish have been revived by NGOs; however, decisions are not legally binding.¹⁷⁹ Lawyers corroborated that NGOs have been attempting to revive Shalish.¹⁸⁰
- 4.9.2 Sources disagree about the types of disputes Shalish deal with. DfID observed that the (traditional) Shalish deal with issues including family disputes, divorce, child custody and inheritance.¹⁸¹ TI said they are used mainly for land issues (as well as family issues and other 'petty' issues)¹⁸² and lawyers said they deal with land issues as well as family and financial issues¹⁸³, however, another source said they do not deal much with land issues.¹⁸⁴
- 4.9.3 DfID mentioned that decisions of the (traditional) Shalish are often ineffective and unfair on women.¹⁸⁵ JANIPOPOP¹⁸⁶ and lawyers¹⁸⁷ noted that Shalish are ineffective. TI observed that they could be corrupt, although some decisions are effective.¹⁸⁸

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4.10 Village Courts

- 4.10.1 Village Courts are another justice mechanism and are distinct from Shalish. DfID noted that they operate under the Ordinance of 1976; they are quasi judicial courts run by an elected chairman and two other members who are elected representatives. They deal with certain types of cases, such as land disputes, family disputes, money lending cases and petty disputes at a local level. Cases these Courts deal with should not exceed a cost of 75,000 taka. Cases beyond that are referred to the District Courts. The country intends to

¹⁷⁸ [Transparency International \(TI\), 23 May 2017](#)

¹⁷⁹ [Department for International Development \(DfID\) Dhaka, 17 May 2017](#)

¹⁸⁰ [Lawyers, 21 May 2017](#)

¹⁸¹ [Department for International Development \(DfID\) Dhaka, 17 May 2017](#)

¹⁸² [Transparency International \(TI\), 23 May 2017](#)

¹⁸³ [Lawyers, 21 May 2017](#)

¹⁸⁴ [Source, 21 May 2017](#)

¹⁸⁵ [Department for International Development \(DfID\) Dhaka, 17 May 2017](#)

¹⁸⁶ [Professor Dr. Nazmul Ashan Kalimullah, Director, JANIPOPOP, 18 May 2017](#)

¹⁸⁷ [Lawyers, 21 May 2017](#)

¹⁸⁸ [Transparency International \(TI\), 23 May 2017](#)

increase the number of Village Courts from 1,000 to 4,400. There are currently 4,400 village councils.¹⁸⁹

- 4.10.2 DfID noted that Village Courts are viewed as less corrupt than other justice mechanisms¹⁹⁰; although JANIPOP observed that there is corruption in the Village Courts.¹⁹¹ Lawyers did not believe that Village Courts are effective.¹⁹²

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5. Prisons

5.1 Prisons and prisoners

- 5.1.1 BLAST noted that there are 68 prisons in Bangladesh.¹⁹³
- 5.1.2 Several sources noted that Bangladesh's prisons are overcrowded, and the prison population is around 70,000 (which is about 250 per cent over capacity).^{194 195 196} Both DfID and BLAST referred to a project in place aimed at reducing prison overcrowding.^{197 198} DfID also noted that a new Prison Act has been drafted, expected to be enacted by the end of 2017.¹⁹⁹
- 5.1.3 DfID noted that women and men are in separate prisons, but male juveniles are kept with men.²⁰⁰ BLAST noted that women and men can be in the same prison but they are segregated. There is one female-only prison.²⁰¹
- 5.1.4 ASK noted that pregnant prisoners can leave prison temporarily in order to give birth in a hospital and then return to prison with their baby (although there is no additional food provided).²⁰² DfID noted that it is thought that children are kept with their mothers, but it is not known until what age.²⁰³

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5.2 Prison conditions

- 5.2.1 The BHC noted that many prisons were built by the British during the Raj and are undergoing a rebuilding programme. The conditions are similar across all prisons, although Dhaka Prison [the newest prison] has the best facilities.²⁰⁴ However, DfID noted that conditions vary between districts and between urban and rural areas.²⁰⁵

¹⁸⁹ [Department for International Development \(DfID\) Dhaka, 17 May 2017](#)

¹⁹⁰ [Department for International Development \(DfID\) Dhaka, 17 May 2017](#)

¹⁹¹ [Professor Dr. Nazmul Ashan Kalimullah, Director, JANIPOP, 18 May 2017](#)

¹⁹² [Lawyers, 21 May 2017](#)

¹⁹³ [Bangladesh Legal Aid and Services Trust \(BLAST\), 25 May 2017](#)

¹⁹⁴ [Department for International Development \(DfID\) Dhaka, 17 May 2017](#)

¹⁹⁵ [Bangladesh Legal Aid and Services Trust \(BLAST\), 25 May 2017](#)

¹⁹⁶ [British High Commission \(BHC\) Dhaka, 16 May 2017](#)

¹⁹⁷ [Department for International Development \(DfID\) Dhaka, 17 May 2017](#)

¹⁹⁸ [Bangladesh Legal Aid and Services Trust \(BLAST\), 25 May 2017](#)

¹⁹⁹ [Department for International Development \(DfID\) Dhaka, 17 May 2017](#)

²⁰⁰ [Department for International Development \(DfID\) Dhaka, 17 May 2017](#)

²⁰¹ [Bangladesh Legal Aid and Services Trust \(BLAST\), 25 May 2017](#)

²⁰² [Ain o Salish Kendra \(ASK\), 18 May 2017](#)

²⁰³ [Department for International Development \(DfID\) Dhaka, 17 May 2017](#)

²⁰⁴ [British High Commission \(BHC\) Dhaka, 16 May 2017](#)

²⁰⁵ [Department for International Development \(DfID\) Dhaka, 17 May 2017](#)

- 5.2.2 BLAST noted that there are about 25 prisoners in a room; the source did not know the exact size of the room.²⁰⁶
- 5.2.3 DfID noted an ‘increasing drug problem in prisons’.²⁰⁷
- 5.2.4 Two sources noted that there is healthcare in prisons but it is not organised well.^{208 209}
- 5.2.5 DfID noted that political prisoners receive better treatment than other categories of prisoners.²¹⁰
- 5.2.6 BLAST noted that food is supplied but it is not sufficient.²¹¹ The BHC said that a person is able to survive on the prison diet.²¹² Both sources agreed that money can be used to pay for extra food and commodities.^{213 214} DfID noted that prison officers are open to bribery.²¹⁵
- 5.2.7 The BHC said that corporal punishment occurs in prisons, usually from lower ranking prison officers.²¹⁶ BLAST noted that there are nine laws that sanction the corporal punishment of prisoners.²¹⁷

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5.3 Access to lawyers and family members

- 5.3.1 Sources noted that detainees can access lawyers, but that it is sometimes difficult to do so, particularly those who are poor or disadvantaged.^{218 219} DfID noted that a person may need to pay a bribe in order to see his lawyer.²²⁰
- 5.3.2 The BHC noted that families are able to visit prisoners on a weekly basis, and that families are allowed to provide the prisoner with additional food and medicine.²²¹

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²⁰⁶ [Bangladesh Legal Aid and Services Trust \(BLAST\), 25 May 2017](#)

²⁰⁷ [Department for International Development \(DfID\) Dhaka, 17 May 2017](#)

²⁰⁸ [Department for International Development \(DfID\) Dhaka, 17 May 2017](#)

²⁰⁹ [Bangladesh Legal Aid and Services Trust \(BLAST\), 25 May 2017](#)

²¹⁰ [Department for International Development \(DfID\) Dhaka, 17 May 2017](#)

²¹¹ [Bangladesh Legal Aid and Services Trust \(BLAST\), 25 May 2017](#)

²¹² [British High Commission \(BHC\) Dhaka, 16 May 2017](#)

²¹³ [British High Commission \(BHC\) Dhaka, 16 May 2017](#)

²¹⁴ [Bangladesh Legal Aid and Services Trust \(BLAST\), 25 May 2017](#)

²¹⁵ [Department for International Development \(DfID\) Dhaka, 17 May 2017](#)

²¹⁶ [British High Commission \(BHC\) Dhaka, 16 May 2017](#)

²¹⁷ [Bangladesh Legal Aid and Services Trust \(BLAST\), 25 May 2017](#)

²¹⁸ [Department for International Development \(DfID\) Dhaka, 17 May 2017](#)

²¹⁹ [Bangladesh Legal Aid and Services Trust \(BLAST\), 25 May 2017](#)

²²⁰ [Department for International Development \(DfID\) Dhaka, 17 May 2017](#)

²²¹ [British High Commission \(BHC\) Dhaka, 16 May 2017](#)

6. The media

6.1 The media landscape

- 6.1.1 Sources said that newspapers were owned by corporate houses.^{222 223} A human rights organisation said that newspapers and television were not independent; there were only a few independent journalists.²²⁴ The BHC said that most local media are pro-government, because it is difficult to support the opposition, although officially the media are neutral.²²⁵
- 6.1.2 Sources noted that media careers are not women-friendly because of the unsafe nature of the working environment and the low pay. One of the journalists said that about 7 per cent of journalists were women.^{226 227}
- 6.1.3 Journalists noted that press associations were divided on party lines.²²⁸

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6.2 Freedom of expression

- 6.2.1 Several sources noted that the media is generally free, although practices some self-censorship.^{229 230 231} There are various 'lines' that journalists fear to cross, for example stories about the business and political interests of the newspaper's owner; political conflicts; high-profile politicians; corruption; illegal activity by organised crime elements; cultural subjects such as child marriage and gender-based violence; and embellishments (referred to as 'yellow' journalism). Crossing these lines may result in intimidation.^{232 233} The journalists disagreed about whether there were formal editorial guidelines in place. Journalists also noted that the risk of intimidation differs between national and local, and print and online, media. National newspapers are more protective than local papers, and independent journalists were more at risk than journalists with the backing of a media house.^{234 235}
- 6.2.2 Journalists noted that it is possible to comment on LGBT issues, although it does not happen often because of social and cultural reasons.²³⁶
- 6.2.3 Article 19 noted that there are no blasphemy laws, although there are other laws that restrict comments about religion.²³⁷

²²² [Article 19, 24 May 2017](#)

²²³ [Journalists, 24 May 2017](#)

²²⁴ [Human rights organisation, 23 May 2017](#)

²²⁵ [Source, 16 May 2017](#)

²²⁶ [Journalists, 24 May 2017](#)

²²⁷ [Article 19, 24 May 2017](#)

²²⁸ [Journalists, 24 May 2017](#)

²²⁹ [Transparency International \(TI\), 23 May 2017](#)

²³⁰ [Journalists, 24 May 2017](#)

²³¹ [Article 19, 24 May 2017](#)

²³² [Journalists, 24 May 2017](#)

²³³ [Article 19, 24 May 2017](#)

²³⁴ [Journalists, 24 May 2017](#)

²³⁵ [Article 19, 24 May 2017](#)

²³⁶ [Journalists, 24 May 2017](#)

²³⁷ [Article 19, 24 May 2017](#)

- 6.2.4 Sources noted that the media is a good ally against corruption.^{238 239}
- 6.2.5 Members of the press said that there was a recent circular by the Foreign Ministry that Bangladeshi journalists abroad should be monitored by the Bangladeshi Consular.²⁴⁰
- 6.2.6 Sources noted that two newspapers have been closed down in the last 5-6 years and that criminal charges have been filed against journalists for criticising the Government.^{241 242} Members of the press commented that a newspaper editor was arrested for mysterious reasons in 2007, detained for five months and tortured. Although he was eventually acquitted, his paper was then forced to shut down. Members of the press continued that a few incidents like this still occur, for example a journalist who was arrested in August 2015 and detained; he was released after pressure from journalists and human rights defenders.²⁴³
- 6.2.7 Article 19 noted a rise in physical attacks against journalists and attacks on journalists' equipment such as cameras.²⁴⁴
- 6.2.8 Article 19 claimed that, since 1996, 51 journalists have been killed, with convictions only in two cases. The perpetrators are usually Awami League supporters and drug operators.²⁴⁵

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6.3 Online activity

- 6.3.1 A human rights organisation observed three groups of bloggers: Islamists, left-wingers and anti-Islamists/secularists. Many Islamist bloggers are in jail.²⁴⁶ Several sources observed that threats against secular bloggers from Islamic extremists have increased in the last few years.^{247 248 249} A human rights organisation claimed that even the government targets secular bloggers; the Ministry of Home Affairs reportedly prepared a list of these bloggers with the help of religious scholars.²⁵⁰
- 6.3.2 Several sources agree that generally there is more freedom online than in print media, although there are still some restrictions.^{251 252 253}

²³⁸ [Transparency International \(TI\), 23 May 2017](#)

²³⁹ [Journalists, 24 May 2017](#)

²⁴⁰ [Members of the press, 20 May 2017](#)

²⁴¹ [Source, 16 May 2017](#)

²⁴² [Transparency International \(TI\), 23 May 2017](#)

²⁴³ [Members of the press, 20 May 2017](#)

²⁴⁴ [Article 19, 24 May 2017](#)

²⁴⁵ [Article 19, 24 May 2017](#)

²⁴⁶ [Human rights organisation, 23 May 2017](#)

²⁴⁷ [Human rights organisation, 23 May 2017](#)

²⁴⁸ [Transparency International \(TI\), 23 May 2017](#)

²⁴⁹ [Source, 16 May 2017](#)

²⁵⁰ [Human rights organisation, 23 May 2017](#)

²⁵¹ [Article 19, 24 May 2017](#)

²⁵² [Members of the press, 20 May 2017](#)

²⁵³ [Source, 16 May 2017](#)

6.3.3 Sources also noted that social media has led to more ‘hate speech’, and that in 2016 almost a fifth of all harassment was online.^{254 255}

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6.4 Laws used against journalists

6.4.1 Sources noted that [Article 57 of the Information and Communications Technology Act](#) is used against journalists. In 2016 22 cases were filed against journalists under this law.^{256 257 258}

6.4.2 Sources also pointed to ‘vexatious’ cases of sedition and defamation used against the media.^{259 260 261} Article 19 noted that in 2016 there were 83 incidents of criminal defamation and 66 alleged sedition incidents against the Daily Star, the biggest Bangladesh daily.²⁶²

6.4.3 Article 19 was also concerned about the draft Digital Security Act – currently out for comment – which was seen as a very broad law that ‘could categorise almost anything as an online crime’.²⁶³

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6.5 Protection

6.5.1 Journalists reported that they are reluctant to go to the police.²⁶⁴ However, Article 19 reported that in some cases the Government intervened to drop charges against some journalists.²⁶⁵

6.5.2 The BHC claimed that there is no protection for secular bloggers.²⁶⁶

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7. Lesbian Gay Bisexual and Transgender (LGBT) people

7.1 Terminology

7.1.1 Various terminology is used to refer to LGBT people. This includes designations such as ‘LGBT’ and ‘gay’ and ‘lesbian’ as well as more derogatory terms such as ‘jouno bikolango’, a term applied to transgender

²⁵⁴ [Journalists, 24 May 2017](#)

²⁵⁵ [Article 19, 24 May 2017](#)

²⁵⁶ [Journalists, 24 May 2017](#)

²⁵⁷ [Article 19, 24 May 2017](#)

²⁵⁸ [Article 19, 24 May 2017](#)

²⁵⁹ [Article 19, 24 May 2017](#)

²⁶⁰ [Journalists, 24 May 2017](#)

²⁶¹ [Members of the press, 20 May 2017](#)

²⁶² [Article 19, 24 May 2017](#)

²⁶³ [Article 19, 24 May 2017](#)

²⁶⁴ [Journalists, 24 May 2017](#)

²⁶⁵ [Article 19, 24 May 2017](#)

²⁶⁶ [Source, 16 May 2017](#)

people to mean being 'disabled in the normal functioning of sexual relationships'.^{267 268}

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7.2 Social norms

7.2.1 Several sources maintained that LGB people are unable to be open about their sexuality.^{269 270 271} The NHRC said that some people may be able to 'come out' to close family and friends, particularly in upper-middle class families.²⁷²

7.2.2 Sources observed that there are differences in treatment between men and women. For example, there is particular pressure on women to marry by about 30, although the average age is 23 in urban areas and 16-17 in rural areas.²⁷³ Two sources noted that lesbians may be forced into marriage.^{274 275}

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7.3 Laws

7.3.1 [Section 377 of the Penal Code](#) criminalises same-sex sexual activity.

7.3.2 Two sources noted that people are unlikely to be charged under Section 377; rather, other laws, such as drug laws, are used to target LGBT people.^{276 277} BoB were unaware of any charges under Section 377.²⁷⁸ Various sources referred to a recent RAB arrest of 27 or 28 men after a raid on a private gathering of gay men in Dhaka; the men were then charged under narcotics offences.^{279 280 281} Western officials noted that this was the first time the RAB had targeted a big gathering of gay men in this way.²⁸²

7.3.3 Boys of Bangladesh (BoB) referred to the arrests of four people prior to a Gay Pride rally (they were later released).²⁸³

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²⁶⁷ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

²⁶⁸ [Boys of Bangladesh \(BoB\), 24 May 2017](#)

²⁶⁹ [Boys of Bangladesh \(BoB\), 24 May 2017](#)

²⁷⁰ [Members of the press, 20 May 2017](#)

²⁷¹ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

²⁷² [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

²⁷³ [Boys of Bangladesh \(BoB\), 24 May 2017](#)

²⁷⁴ [British High Commission \(BHC\) Dhaka, 16 May 2017](#)

²⁷⁵ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

²⁷⁶ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

²⁷⁷ [Boys of Bangladesh \(BoB\), 24 May 2017](#)

²⁷⁸ [Boys of Bangladesh \(BoB\), 24 May 2017](#)

²⁷⁹ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

²⁸⁰ [Members of the press, 20 May 2017](#)

²⁸¹ [Western officials, 25 May 2017](#)

²⁸² [Western officials, 25 May 2017](#)

²⁸³ [Boys of Bangladesh \(BoB\), 24 May 2017](#)

7.4 Hijras

- 7.4.1 Hijras is the name given to some transgender people who have a distinct culture and identity.^{284 285} Not all transgender people are hijras^{286 287}, although they may be viewed as such.²⁸⁸
- 7.4.2 Two sources noted that hijras' status as a 'third gender', recognised by the Government, is not reflected on their documentation such as passports and National ID cards.^{289 290}
- 7.4.3 Sources noted that hijras are often seen as a public nuisance or as outcasts.^{291 292 293} The NHRC said that they are viewed as charity cases and that some allowances are made towards them by society.²⁹⁴ BoB said they find it hard to get jobs and that many organisations are working with them.²⁹⁵ Members of the press claimed that there is Government assistance for hijras.²⁹⁶

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7.5 Gender reassignment

- 7.5.1 Two sources said that they were unaware of any gender reassignment clinics in Bangladesh.^{297 298}

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7.6 Men who have sex with men (MSM)

- 7.6.1 Two sources observed that the term 'MSM' was coined by development agencies to describe users of health programmes such as HIV treatment.²⁹⁹³⁰⁰ The NHRC noted that MSM use of healthcare programmes has declined for fear of being targeted by extremists.³⁰¹
- 7.6.2 Two sources noted that MSM are tolerated if they marry and bear children.^{302 303} The NHRC said that MSM was seen as more acceptable than a woman who committed adultery.³⁰⁴

²⁸⁴ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

²⁸⁵ [Boys of Bangladesh \(BoB\), 24 May 2017](#)

²⁸⁶ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

²⁸⁷ [Boys of Bangladesh \(BoB\), 24 May 2017](#)

²⁸⁸ [Boys of Bangladesh \(BoB\), 24 May 2017](#)

²⁸⁹ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

²⁹⁰ [Boys of Bangladesh \(BoB\), 24 May 2017](#)

²⁹¹ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

²⁹² [Members of the press, 20 May 2017](#)

²⁹³ [Boys of Bangladesh \(BoB\), 24 May 2017](#)

²⁹⁴ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

²⁹⁵ [Boys of Bangladesh \(BoB\), 24 May 2017](#)

²⁹⁶ [Members of the press, 20 May 2017](#)

²⁹⁷ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

²⁹⁸ [Boys of Bangladesh \(BoB\), 24 May 2017](#)

²⁹⁹ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

³⁰⁰ [Boys of Bangladesh \(BoB\), 24 May 2017](#)

³⁰¹ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

³⁰² [British High Commission \(BHC\) Dhaka, 16 May 2017](#)

³⁰³ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

³⁰⁴ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

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7.7 LGBT community and activists

- 7.7.1 Sources noted that the LGBT community is closed and private.^{305 306}
- 7.7.2 There is no Gay Pride, according to the BHC³⁰⁷, but there is online activism (particularly in the last 5-6 years)³⁰⁸ and there are LGBT groups (mostly based in Dhaka) such as Bandhu.³⁰⁹
- 7.7.3 Several sources agreed that gay rights activists and bloggers are more at risk than 'ordinary' LGBT people.^{310 311 312} Members of the press judged that Sylhet was riskier than Dhaka.³¹³ BLAST noted that there are instances of known LGBT activists being murdered in their own homes by extremists, such as Xulhaj Mannan, editor of the gay rights magazine Roopban.³¹⁴ Western officials noted that this murder has not yet been solved and no arrests have been made.³¹⁵ The BHC thought that the murder was atypical because he was a prominent activist.³¹⁶ BoB claimed that within the last year more LGBT people have left Bangladesh because of the attack against gay activists in 2016.³¹⁷

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7.8 Police treatment

- 7.8.1 BoB referred to 'extreme cases' of hijras being beaten by the police.³¹⁸ The BHC felt that it was difficult to know if LGBT people were treated worse than anyone else because 'everyone has a rough time with the police'.³¹⁹

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7.9 Societal/family treatment

- 7.9.1 BoB commented about the societal treatment of LGBT people. The source noted that the rise in social media, and an unfriendly media, has led to an increase in hatred against LGBT people. There is also discrimination against LGBT people, such as in healthcare, which is worse in urban areas. The source also claimed that it was a common experience for families to suggest psychiatric treatment to those who 'come out'.³²⁰

³⁰⁵ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

³⁰⁶ [British High Commission \(BHC\) Dhaka, 16 May 2017](#)

³⁰⁷ [British High Commission \(BHC\) Dhaka, 16 May 2017](#)

³⁰⁸ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

³⁰⁹ [Members of the press, 20 May 2017](#)

³¹⁰ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

³¹¹ [Boys of Bangladesh \(BoB\), 24 May 2017](#)

³¹² [Members of the press, 20 May 2017](#)

³¹³ [Members of the press, 20 May 2017](#)

³¹⁴ [Bangladesh Legal Aid and Services Trust \(BLAST\), 25 May 2017](#)

³¹⁵ [Western officials, 25 May 2017](#)

³¹⁶ [British High Commission \(BHC\) Dhaka, 16 May 2017](#)

³¹⁷ [Boys of Bangladesh \(BoB\), 24 May 2017](#)

³¹⁸ [Boys of Bangladesh \(BoB\), 24 May 2017](#)

³¹⁹ [British High Commission \(BHC\) Dhaka, 16 May 2017](#)

³²⁰ [Boys of Bangladesh \(BoB\), 24 May 2017](#)

7.9.2 Members of the press mentioned that families of LGBT people can also be targeted.³²¹

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7.10 Protection

7.10.1 Several sources suggested that LGBT people would not feel that they could approach the police for protection.^{322 323 324} BoB said there may be some exceptions to this, for instance someone from an influential family.³²⁵ However, members of the press noted that the police are obliged to take on a case, irrespective of the sexuality of the reporter of the crime³²⁶, and BLAST noted that there is 'very little research on these issues'.³²⁷

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8. Religious, linguistic and ethnic minorities

8.1 Constitution

8.1.1 Several sources pointed to the constitutional secularism of the country, although that this lies alongside Islam being classified as the state religion.^{328 329 330}

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8.2 Indigenous peoples

8.2.1 In 1997 a Peace Accord was signed in the CHT between the Government and the indigenous peoples after an armed struggle. However, the General Secretary of the Bangladesh Indigenous People's Forum still observed that the rights of indigenous peoples were not being protected. He claimed that, while indigenous peoples can take any type of work, there was an 'unwritten rule' that some jobs, such as in the police or the army, should exclude them. There are also restrictions on the peoples' freedom to build religious places of worship.³³¹

8.2.2 The source also pointed to low educational attainment and lack of health services for indigenous peoples.³³²

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³²¹ [Members of the press, 20 May 2017](#)

³²² [Bangladesh Legal Aid and Services Trust \(BLAST\), 25 May 2017](#)

³²³ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

³²⁴ [Western officials, 25 May 2017](#)

³²⁵ [Boys of Bangladesh \(BoB\), 24 May 2017](#)

³²⁶ [Members of the press, 20 May 2017](#)

³²⁷ [Bangladesh Legal Aid and Services Trust \(BLAST\), 25 May 2017](#)

³²⁸ [Source, 25 May 2017](#)

³²⁹ [Kejal Debnath, Hindu leader and Presidium Member, Bangladesh Hindu Buddhist Christian Unity Council \(BHBCUC\), 25 May 2017](#)

³³⁰ [Abdul Awwal Chowdhury, Ahmadiyya Muslim Jama'at Bangladesh, and Ahmadiyya Muslim community member, 24 May 2017](#)

³³¹ [Sanjeeb Drong, General Secretary, Bangladesh Indigenous People's Forum, 25 May 2017](#)

³³² [Sanjeeb Drong, General Secretary, Bangladesh Indigenous People's Forum, 25 May 2017](#)

8.3 Biharis

- 8.3.1 Biharis are an Urdu-speaking ethnic minority in Bangladesh. A human rights organisation estimated that there were about 500,000 in Bangladesh. They speak both Bengali and Urdu.³³³ Two sources pointed to discrimination and social stigma against them. While they can get citizenship, they still face problems attempting to do so.^{334 335}

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8.4 Community relations

- 8.4.1 Several sources described inter-religious relations as positive.^{336 337 338} A human rights organisation described community relations as 'ok'.³³⁹ Several sources pointed to Muslims causing tension and problems within religious communities, for example by imposing Islamic theology in school curricular.^{340 341} A source observed that mixed religious marriage is not common, although not unheard of, and that the main objections to such unions come from Muslims.³⁴² However, another source said that inter-religious marriage was common in Sylhet and did not cause any problems.³⁴³

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8.5 'Land grabs'

- 8.5.1 Several sources described religious minorities as victims of 'land grabs' by the authorities.^{344 345 346} Journalists said that in the 1980s the Government ensured that they could legally acquire abandoned properties.³⁴⁷ The General Secretary of the Bangladesh Indigenous People's Forum noted that, despite protections such as the 1900 Chittagong Hill Tracts Regulation Act, indigenous people's land is 'grabbed', with no compensation given to them.³⁴⁸

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³³³ [Human rights organisation, 23 May 2017](#)

³³⁴ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

³³⁵ [Human rights organisation, 23 May 2017](#)

³³⁶ [Source, 21 May 2017](#)

³³⁷ [Source, 25 May 2017](#)

³³⁸ [Kejal Debnath, Hindu leader and Presidium Member, Bangladesh Hindu Buddhist Christian Unity Council \(BHBCUC\), 25 May 2017](#)

³³⁹ [Human rights organisation, 23 May 2017](#)

³⁴⁰ [Source, 25 May 2017](#)

³⁴¹ [Reverend Ashim Kr Baroi, General Secretary, Bangladesh Baptist Church Sangha, 24 May 2017](#)

³⁴² [Source, 25 May 2017](#)

³⁴³ [Source, 21 May 2017](#)

³⁴⁴ [Source, 25 May 2017](#)

³⁴⁵ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

³⁴⁶ [Kejal Debnath, Hindu leader and Presidium Member, Bangladesh Hindu Buddhist Christian Unity Council \(BHBCUC\), 25 May 2017](#)

³⁴⁷ [Journalists, 24 May 2017](#)

³⁴⁸ [Sanjeeb Drong, General Secretary, Bangladesh Indigenous People's Forum, 25 May 2017](#)

8.6 Other mistreatment

- 8.6.1 Several sources observed that Hindu temples have been burned. One source noted that such mistreatment does not occur frequently, but it is done systematically when it does occur. The source noted that the opposition target Hindus during election time because the Hindus support the Awami League.³⁴⁹ Hindu support for the AL is a 'double-edged sword'; losing candidates blame Hindus for either not supporting them or not turning out enough votes for them.³⁵⁰ Hindu temples have been attacked in the 'thousands' as a backlash following events such as the attack on the Babri mosque in India in 1992, provoking Hindus to leave for India.³⁵¹ According to the General Secretary of the Bangladesh Baptist Church Sangha, other mistreatment of Hindus includes Muslims offending them by eating beef near them and 'sometimes physical torture'.³⁵²
- 8.6.2 A source noted that there are 'individual attacks' on religious minorities, citing the example of a Christian doctor who was attacked in 2016.³⁵³ The General Secretary of the Bangladesh Baptist Church Sangha claimed that he was attacked in Dhaka in 2012 with an iron rod for being a Christian. He also said that pastors are harassed by Muslim extremists with threatening phone calls and messages, and that sometimes Christian services are interfered with by Muslims, particularly in rural areas.³⁵⁴
- 8.6.3 Several sources pointed out that Hindus (and to some extent Buddhists) have been falsely blamed for social media 'hate speech' against Muslims, which is then used as a pretext for Muslims to attack Hindus.^{355 356 357}
- 8.6.4 The NHRC said that Buddhist temples in Chittagong have been attacked.³⁵⁸ The General Secretary of the Bangladesh Baptist Church Sangha claimed that Buddhists get more help from the Government than Christians.³⁵⁹
- 8.6.5 A human rights organisation claimed that Ahmadiis are targeted 'from time to time'. Ahmadi publications were banned, although there was a stay order from the High Court Division of the Supreme Court.³⁶⁰ Ahmadi community members and a human rights organisation said that attacks against Ahmadi mosques have reduced under the present Government, although there are still some incidents.^{361 362}

³⁴⁹ [Source, 25 May 2017](#)

³⁵⁰ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

³⁵¹ [Kejal Debnath, Hindu leader and Presidium Member, Bangladesh Hindu Buddhist Christian Unity Council \(BHBCUC\), 25 May 2017](#)

³⁵² [Reverend Ashim Kr Baroi, General Secretary, Bangladesh Baptist Church Sangha, 24 May 2017](#)

³⁵³ [Source, 25 May 2017](#)

³⁵⁴ [Reverend Ashim Kr Baroi, General Secretary, Bangladesh Baptist Church Sangha, 24 May 2017](#)

³⁵⁵ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

³⁵⁶ [Kejal Debnath, Hindu leader and Presidium Member, Bangladesh Hindu Buddhist Christian Unity Council \(BHBCUC\), 25 May 2017](#)

³⁵⁷ [Source, 16 May 2017](#)

³⁵⁸ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

³⁵⁹ [Reverend Ashim Kr Baroi, General Secretary, Bangladesh Baptist Church Sangha, 24 May 2017](#)

³⁶⁰ [Human rights organisation, 23 May 2017](#)

³⁶¹ [Abdul Awwal Chowdhury, Ahmadiyya Muslim Jama'at Bangladesh, and Ahmadiyya Muslim community member, 24 May 2017](#)

- 8.6.6 Sources pointed to discrimination against religious minorities, for example in examinations³⁶³ and public sector jobs (for Christians)³⁶⁴, even though discrimination is officially not allowed.³⁶⁵ However, a human rights organisation observed that 30 per cent of religious minorities are in government jobs.³⁶⁶

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8.7 Situation for converts

- 8.7.1 A source noted that there 'is more harassment and ill-treatment' for (Christian) converts. However, the source also noted that this 'depends on the family background' and that well-educated families are less likely to be bothered about it. The source noted that some people keep their conversions secret for fear of losing their inheritance, being thrown from the house or even being killed for apostasy.³⁶⁷
- 8.7.2 The General Secretary of the Bangladesh Baptist Church Sangha observed that his church do not mention in written documentation that a person has converted.³⁶⁸

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8.8 Secularists and atheists

- 8.8.1 Several sources observed that people are not generally open about a lack of religious belief, for social and cultural reasons.^{369 370} The NHRC said that such people would fear a backlash, as happened against secular bloggers by the group Hefazat-e-Islam.³⁷¹ However, another source said that there is a growing secularism, which clashes against a concurrent growing Islamisation³⁷²; and members of the press said that in Sylhet the renouncing of religious belief is simply seen as a personal opinion and that, at most, a person will be deprived of family rights for this.³⁷³

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8.9 Protection

- 8.9.1 Sources disagreed over the extent to which minorities could obtain protection from the authorities. One source said that they cannot do so, although it helps if a person has connections.³⁷⁴ However, two sources said

³⁶² [Human rights organisation, 23 May 2017](#)

³⁶³ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

³⁶⁴ [Reverend Ashim Kr Baroi, General Secretary, Bangladesh Baptist Church Sangha, 24 May 2017](#)

³⁶⁵ [Source, 25 May 2017](#)

³⁶⁶ [Human rights organisation, 23 May 2017](#)

³⁶⁷ [Source, 25 May 2017](#)

³⁶⁸ [Reverend Ashim Kr Baroi, General Secretary, Bangladesh Baptist Church Sangha, 24 May 2017](#)

³⁶⁹ [Western officials, 25 May 2017](#)

³⁷⁰ [Source, 25 May 2017](#)

³⁷¹ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

³⁷² [Source, 25 May 2017](#)

³⁷³ [Members of the press, 20 May 2017](#)

³⁷⁴ [Source, 25 May 2017](#)

that Hindus could get such protection^{375 376}, while the General Secretary of the Bangladesh Church Sangha said that there is sometimes protection.³⁷⁷ Members of the press said that, in Sylhet, minorities are taken seriously by the police, more so than in other areas of the country.³⁷⁸

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9. The Rohingya

9.1 Rohingya people

- 9.1.1 The Rohingya are a people from Rakhine state in Burma (Myanmar). They are Muslim and tend to be religiously conservative; as such they are often viewed as sympathetic to Islamic extremism.^{379 380 381} The Rohingya are distinct from those of Rakhine ethnicity who live in Bangladesh and have Bangladeshi citizenship.³⁸²
- 9.1.2 The Rohingya language is similar to Chittagonian Bengali, although the dialect is distinct from mainstream Bengali. Some speak fluent Burmese. They are physically similar to some Bangladeshis.^{383 384 385}

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9.2 Rohingya in Bangladesh

- 9.2.1 Many Rohingya fled to Cox's Bazar in Bangladesh from Rakhine State in Burma, predominately in 1978, 1991 and 2012.³⁸⁶ Estimates of the number of Rohingya in Bangladesh vary between 200,000 and 500,000.^{387 388 389}
- 9.2.2 Only 33-34,000 are recognised as refugees by the UNHCR and GoB. This number includes the original 15,000 registered as refugees in 1992 and their descendents. This number live in two official refugee camps, Kutupalong and Nayapara, although since 2016 the camps host a further 20,000 who are not registered as refugees. Since 1992 new arrivals moved into makeshift

³⁷⁵ [Kejal Debnath, Hindu leader and Presidium Member, Bangladesh Hindu Buddhist Christian Unity Council \(BHBCUC\), 25 May 2017](#)

³⁷⁶ [Journalists, 24 May 2017](#)

³⁷⁷ [Reverend Ashim Kr Baroi, General Secretary, Bangladesh Baptist Church Sangha, 24 May 2017](#)

³⁷⁸ [Members of the press, 20 May 2017](#)

³⁷⁹ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

³⁸⁰ [UN High Commissioner for Refugees \(UNHCR\) and International Organization for Migration \(IOM\), 17 May 2017](#)

³⁸¹ [UN High Commissioner for Refugees \(UNHCR\) and International Organization for Migration \(IOM\), 17 May 2017](#)

³⁸² [UN High Commissioner for Refugees \(UNHCR\) and International Organization for Migration \(IOM\), 17 May 2017](#)

³⁸³ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

³⁸⁴ [Department for International Development \(DfID\), 16 May 2017](#)

³⁸⁵ [UN High Commissioner for Refugees \(UNHCR\) and International Organization for Migration \(IOM\), 17 May 2017](#)

³⁸⁶ [Department for International Development \(DfID\), 16 May 2017](#)

³⁸⁷ [Department for International Development \(DfID\), 16 May 2017](#)

³⁸⁸ [Human rights organisation, 23 May 2017](#)

³⁸⁹ [UN High Commissioner for Refugees \(UNHCR\) and International Organization for Migration \(IOM\), 17 May 2017](#)

camps. There are about 110,000 in these camps, 50,000 of whom were added after October 2016; the camps have capacity for 15,000. The rest live in informal settlements and amongst host communities.^{390 391}

- 9.2.3 Since 2016 approximately 74,000 Rohingya have come to Bangladesh.^{392 393} A human rights organisation claims that the official figure for this recent influx is 70,000.³⁹⁴
- 9.2.4 A census of Rohingya was conducted in 2016 but is yet to be published.³⁹⁵
³⁹⁶
- 9.2.5 There is a NGO presence in Cox's Bazar to attempt to manage the Rohingya situation. IOM, UNHCR, Solidarity International, Handicap International, Médecines Sans Frontières (MSF) and Action Against Hunger are all working there.³⁹⁷
- 9.2.6 Since sources were interviewed for this FFM report, there has been developments with the Rohingya situation. On 5 September 2017, the IOM noted that over 123,000 Rohingya had entered Bangladesh within the previous eleven days.³⁹⁸

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9.3 Government response

- 9.3.1 The GoB published a Government National Strategy in 2013 focusing on locating and documenting the Rohingya; repatriation; humanitarian needs; strengthening borders; and improving relations with Burma.^{399 400} The Bangladesh government cooperates with relief agencies such as the IOM and UNHCR. The government do not plan for the Rohingya to stay in the long-term although there is no option to return them to Burma.⁴⁰¹
- 9.3.2 One proposal to manage the Rohingya situation was to relocate them to Thengar Char Island, a Bangladeshi island in the Bay of Bengal, but this was not viewed well and the plan has been abandoned.^{402 403}

³⁹⁰ [Department for International Development \(DfID\), 16 May 2017](#)

³⁹¹ [UN High Commissioner for Refugees \(UNHCR\) and International Organization for Migration \(IOM\), 17 May 2017](#)

³⁹² [Department for International Development \(DfID\), 16 May 2017](#)

³⁹³ [UN High Commissioner for Refugees \(UNHCR\) and International Organization for Migration \(IOM\), 17 May 2017](#)

³⁹⁴ [Human rights organisation, 23 May 2017](#)

³⁹⁵ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

³⁹⁶ [UN High Commissioner for Refugees \(UNHCR\) and International Organization for Migration \(IOM\), 17 May 2017](#)

³⁹⁷ [UN High Commissioner for Refugees \(UNHCR\) and International Organization for Migration \(IOM\), 17 May 2017](#)

³⁹⁸ International Organisation for Migration (IOM), 'IOM, Partners Seek USD 18 Million for Immediate Relief as Over 123,000 Rohingya Enter Bangladesh in Last 11 Days', 5 September 2017, <https://www.iom.int/news/iom-partners-seek-usd-18-million-immediate-relief-over-123000-rohingya-enter-bangladesh-last-11>. Accessed: 5 September 2017

³⁹⁹ [UN High Commissioner for Refugees \(UNHCR\) and International Organization for Migration \(IOM\), 17 May 2017](#)

⁴⁰⁰ [Department for International Development \(DfID\), 16 May 2017](#)

⁴⁰¹ [Western officials, 25 May 2017](#)

⁴⁰² [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

9.3.3 A third-country resettlement programme, which UNHCR supported, was suspended in 2010 over fears of it being a pull factor; it resettled 960 Rohingya in third-countries.⁴⁰⁴

9.3.4 One human rights organisation claimed that the GoB 'has not been welcoming' to the Rohingya and has arrested people willing to work with them.⁴⁰⁵

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9.4 Status

9.4.1 Bangladesh is not a signatory to the 1951 Refugee Convention.^{406 407} Most Rohingya are not considered refugees and are designated as Undocumented Myanmar Nationals (UMNs) by the Bangladesh government.⁴⁰⁸

9.4.2 The IOM/UNHCR noted that, because of their lack of status, Rohingya face arrest and detention under the Foreigners Act for being in Bangladesh illegally. When a person is 'released', they can be re-arrested because they still technically commit the offence of remaining in the country illegally. However, the source observed that there was a recent 'goodwill' trend against arresting Rohingya under the Foreigners Act. The source suggested that fear of being detained under this Act disincentivises Rohingya from reporting crimes committed against them and that the police are in any case uninterested in interfering with Rohingya informal justice mechanisms.⁴⁰⁹

9.4.3 Many Rohingya marry Bangladeshi nationals. Permission is required from the Camp in Charge (the authorities in charge of the refugee camp) for a registered Rohingya to get married. By law a person born of a Bangladeshi national can receive citizenship.⁴¹⁰ DfID observed that the status of a Rohingya married to a Bangladeshi national is unclear.⁴¹¹

9.4.4 Rohingya cannot work legally and their movement is restricted.^{412 413 414}

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⁴⁰³ [Department for International Development \(DfID\), 16 May 2017](#)

⁴⁰⁴ [UN High Commissioner for Refugees \(UNHCR\) and International Organization for Migration \(IOM\), 17 May 2017](#)

⁴⁰⁵ [Human rights organisation, 23 May 2017](#)

⁴⁰⁶ [Department for International Development \(DfID\), 16 May 2017](#)

⁴⁰⁷ [UN High Commissioner for Refugees \(UNHCR\) and International Organization for Migration \(IOM\), 17 May 2017](#)

⁴⁰⁸ [UN High Commissioner for Refugees \(UNHCR\) and International Organization for Migration \(IOM\), 17 May 2017](#)

⁴⁰⁹ [UN High Commissioner for Refugees \(UNHCR\) and International Organization for Migration \(IOM\), 17 May 2017](#)

⁴¹⁰ [UN High Commissioner for Refugees \(UNHCR\) and International Organization for Migration \(IOM\), 17 May 2017](#)

⁴¹¹ [Department for International Development \(DfID\), 16 May 2017](#)

⁴¹² [Human rights organisation, 23 May 2017](#)

⁴¹³ [UN High Commissioner for Refugees \(UNHCR\) and International Organization for Migration \(IOM\), 17 May 2017](#)

⁴¹⁴ [Department for International Development \(DfID\), 16 May 2017](#)

9.5 Documentation

- 9.5.1 DfID said that most Rohingya have no documents.⁴¹⁵ The 33,000 official refugees possess a biometric UNHCR/MDMR (Ministry of Disaster Management and Relief) card, which enables access to some services. The UNHCR can reissue lost cards. They also possess a family ration book but these are no longer re-issued; since August 2014 they have been replaced by food ration cards, which contain biometric data and for which there exists a computerised record.^{416 417}
- 9.5.2 Of other documents, DfID noted that the World Food Programme issue vouchers to women.⁴¹⁸ UNHCR/IOM said that the paper slip completed by those participating in the 2016 census is envisaged as a route to some kind of temporary identification card, although this will not confer national identity.⁴¹⁹
- 9.5.3 The NHRC had not heard that there was a market in Rohingya documentation, as only UNHCR officials would have access to such documentation. However, the source did observe one example when a Bangladeshi national in Malaysia avoided deportation because he had Rohingya documentation.⁴²⁰ A human rights organisation opined that, while he did not know, he thought it is likely that there are more cases of Bangladeshis using Rohingya documentation.⁴²¹ UNHCR/IOM observed that food cards are sometimes pawned but they contain biometric information so are only useful to the owner. UNHCR was unaware of forged or fraudulent cards being used.⁴²²
- 9.5.4 TI claimed that there have been undocumented stories of Rohingya refugees using Bangladeshi documents to travel abroad.⁴²³

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9.6 Societal treatment

- 9.6.1 A human rights organisation and DfID both stated that the local community were supportive of Rohingya, although DfID noted that societal attitudes can vary.^{424 425} The NHRC noted that anti-Rohingya sentiment has increased since the population expanded onto prime land.⁴²⁶

⁴¹⁵ [Department for International Development \(DfID\), 16 May 2017](#)

⁴¹⁶ [Department for International Development \(DfID\), 16 May 2017](#)

⁴¹⁷ [UN High Commissioner for Refugees \(UNHCR\) and International Organization for Migration \(IOM\), 17 May 2017](#)

⁴¹⁸ [Department for International Development \(DfID\), 16 May 2017](#)

⁴¹⁹ [UN High Commissioner for Refugees \(UNHCR\) and International Organization for Migration \(IOM\), 17 May 2017](#)

⁴²⁰ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

⁴²¹ [Human rights organisation, 23 May 2017](#)

⁴²² [UN High Commissioner for Refugees \(UNHCR\) and International Organization for Migration \(IOM\), 17 May 2017](#)

⁴²³ [Transparency International \(TI\), 23 May 2017](#)

⁴²⁴ [Human rights organisation, 23 May 2017](#)

⁴²⁵ [Department for International Development \(DfID\), 16 May 2017](#)

⁴²⁶ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

- 9.6.2 The same source claimed that Rohingya are subject to human and drug trafficking, although this has visibly reduced except for trafficking of the drug 'yaba'.⁴²⁷
- 9.6.3 The same source noted that, in a survey conducted by Research Initiatives, Bangladesh, of 600 Rohingya, 13 per cent had intermarried Bangladeshis (mostly Rohingya women marrying Bangladeshi men).⁴²⁸ The NHRC noted that marriages between Rohingyas and Bangladeshis ('white paper marriages') are now prohibited.⁴²⁹

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9.7 Conditions in camps

- 9.7.1 UNHCR/IOM observed increased use of the drug 'yaba' within camps, leading to increased GBV.⁴³⁰
- 9.7.2 Of humanitarian needs, UNHCR/IOM identified shelter as the primary need. Education within camps is limited.⁴³¹ DfID observed that basic needs are being met but that living conditions are poor and overcrowded. However, there is less access to services outside camps.⁴³²

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10. Women

10.1 Status

- 10.1.1 The NHRC said that personal status laws and the social status of women do not reflect the equality of women.⁴³³
- 10.1.2 The NHRC said that marriage is seen as the main source of social acceptance and that to have a child out of wedlock is socially unacceptable (although it is not illegal)⁴³⁴; UKBET noted that single mothers are 'extremely rare'.⁴³⁵
- 10.1.3 Several sources noted that it was very difficult for a single woman to move around, live alone or get a job.^{436 437 438} The NHRC noted that middle class single women may be able to gain employment.⁴³⁹

⁴²⁷ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

⁴²⁸ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

⁴²⁹ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

⁴³⁰ [UN High Commissioner for Refugees \(UNHCR\) and International Organization for Migration \(IOM\), 17 May 2017](#)

⁴³¹ [UN High Commissioner for Refugees \(UNHCR\) and International Organization for Migration \(IOM\), 17 May 2017](#)

⁴³² [Department for International Development \(DfID\), 16 May 2017](#)

⁴³³ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

⁴³⁴ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

⁴³⁵ [M Asaduzzman Sayem, Executive Director, UK Bangladesh Education Trust \(UKBET\), 21 May 2017](#)

⁴³⁶ [M Asaduzzman Sayem, Executive Director, UK Bangladesh Education Trust \(UKBET\), 21 May 2017](#)

⁴³⁷ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

⁴³⁸ [Ain o Salish Kendra \(ASK\), 18 May 2017](#)

⁴³⁹ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

10.2 Types of marriage

- 10.2.1 Two sources noted that the [Child Marriage Restraint Act of 1929](#) (amended various times since then), which stipulates the marrying age for girls at 18 and boys at 21, contains a 'special circumstances' clause that enables a girl of any age to be married.^{440 441}
- 10.2.2 ASK commented that, between 2005 and 2013, according to UNICEF, 29 per cent of girls married before the age of 15; 65 per cent before 18.⁴⁴²
- 10.2.3 The NHRC noted that the child marriage law is not properly enforced.⁴⁴³ ASK noted that NGOs and the Government ran a successful awareness campaign against child marriage, although it is still prevalent.⁴⁴⁴ A human rights organisation described child marriage as 'widespread'.⁴⁴⁵ The NHRC noted that there is a high rate of 'early marriage' (girls aged 14-16).⁴⁴⁶ The BHC noted that girls in rural areas get married younger and that some young marriages may be to avoid family shame if the girl was raped.⁴⁴⁷
- 10.2.4 Several sources agreed that forced marriage is common.^{448 449 450} The NHRC mentioned that it was particularly prevalent in religiously conservative families.⁴⁵¹ Sources mentioned that it happens to British Bangladeshi girls and women, often triggered by the emergence of a non-Bangladeshi boyfriend in the UK.^{452 453 454}
- 10.2.5 The BHC noted that most marriages are arranged.⁴⁵⁵ Sources noted that girls can choose a husband not approved by their family, but that this would cost them family support and their inheritance.^{456 457}

10.3 Rape

- 10.3.1 A source said that the second biggest problem the police deal with in Sylhet are rape disputes.⁴⁵⁸

⁴⁴⁰ [Ain o Salish Kendra \(ASK\), 18 May 2017](#)

⁴⁴¹ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

⁴⁴² [Ain o Salish Kendra \(ASK\), 18 May 2017](#)

⁴⁴³ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

⁴⁴⁴ [Ain o Salish Kendra \(ASK\), 18 May 2017](#)

⁴⁴⁵ [Human rights organisation, 23 May 2017](#)

⁴⁴⁶ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

⁴⁴⁷ [British High Commission \(BHC\) Dhaka, 16 May 2017](#)

⁴⁴⁸ [Ain o Salish Kendra \(ASK\), 18 May 2017](#)

⁴⁴⁹ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

⁴⁵⁰ [Human rights organisation, 23 May 2017](#)

⁴⁵¹ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

⁴⁵² [Ain o Salish Kendra \(ASK\), 18 May 2017](#)

⁴⁵³ [Human rights organisation, 23 May 2017](#)

⁴⁵⁴ [British High Commission \(BHC\) Dhaka, 16 May 2017](#)

⁴⁵⁵ [British High Commission \(BHC\) Dhaka, 16 May 2017](#)

⁴⁵⁶ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

⁴⁵⁷ [Human rights organisation, 23 May 2017](#)

⁴⁵⁸ [Source, 21 May 2017](#)

10.3.2 ASK commented on rape. They noted that between 2014 and 2017 most rapes happened to girls under six; that domestic (often underage) workers are raped by their employers; and that rape victims and their families face stigma and humiliation.⁴⁵⁹

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10.4 'Honour' crimes

10.4.1 Sources noted that there are no 'honour crimes' per se, but the honour of a family may be attacked over a dispute, for example by the rape of a child; and that if a girl or woman herself brings 'shame' on the family she will face exclusion and ostracism and become vulnerable to other abuses, such as trafficking.^{460 461 462}

10.4.2 Two sources agreed that the number of acid attacks against women has gone down.^{463 464}

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10.5 Harassment

10.5.1 ASK noted that cyber crime against women is 'moving fast'.⁴⁶⁵

10.5.2 A human rights organisation commented that laws against stalking are not implemented.⁴⁶⁶

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10.6 Protection

10.6.1 UKBET claimed that the Government has strict laws against GBV.⁴⁶⁷ Lawyers described the procedures by which a woman could report a crime.⁴⁶⁸

10.6.2 Several sources stated that generally women cannot access the police or obtain some form of support from the authorities, because of social or cultural reasons, police reluctance or fear that police will return women to abusive relatives.^{469 470 471} The NHRC said that some police may take on a case at the behest of human rights organisations.⁴⁷²

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⁴⁵⁹ [Ain o Salish Kendra \(ASK\), 18 May 2017](#)

⁴⁶⁰ [Ain o Salish Kendra \(ASK\), 18 May 2017](#)

⁴⁶¹ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

⁴⁶² [Human rights organisation, 23 May 2017](#)

⁴⁶³ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

⁴⁶⁴ [Human rights organisation, 23 May 2017](#)

⁴⁶⁵ [Ain o Salish Kendra \(ASK\), 18 May 2017](#)

⁴⁶⁶ [Human rights organisation, 23 May 2017](#)

⁴⁶⁷ [M Asaduzzman Sayem, Executive Director, UK Bangladesh Education Trust \(UKBET\), 21 May 2017](#)

⁴⁶⁸ [Lawyers, 21 May 2017](#)

⁴⁶⁹ [Ain o Salish Kendra \(ASK\), 18 May 2017](#)

⁴⁷⁰ [Bangladesh Legal Aid and Services Trust \(BLAST\), 25 May 2017](#)

⁴⁷¹ [Human rights organisation, 23 May 2017](#)

⁴⁷² [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

10.7 Shelters

- 10.7.1 Sources noted that here are some Government-run shelters, but there are not enough and handling processes are poor.^{473 474 475} ASK noted that there is no time-limit on how long women could stay in the government-run shelters.⁴⁷⁶
- 10.7.2 UKBET noted that there is inadequate Government financial support⁴⁷⁷; a human organisation noted that there were allegations of widespread corruption of government aid.⁴⁷⁸

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10.8 Non-Government Organisation (NGO) support

- 10.8.1 Sources noted that there are NGO-run shelters and support.^{479 480}
- 10.8.2 The NHRC noted that women's rights movements had become more vibrant in society, more so than movements for LGBT or refugee rights.⁴⁸¹

⁴⁷³ [Ain o Salish Kendra \(ASK\), 18 May 2017](#)

⁴⁷⁴ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

⁴⁷⁵ [Human rights organisation, 23 May 2017](#)

⁴⁷⁶ [Ain o Salish Kendra \(ASK\), 18 May 2017](#)

⁴⁷⁷ [M Asaduzzman Sayem, Executive Director, UK Bangladesh Education Trust \(UKBET\), 21 May 2017](#)

⁴⁷⁸ [Human rights organisation, 23 May 2017](#)

⁴⁷⁹ [Ain o Salish Kendra \(ASK\), 18 May 2017](#)

⁴⁸⁰ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

⁴⁸¹ [National Human Rights Commission, Bangladesh \(NHRC, B\), 22 May 2017](#)

Annex A: Terms of Reference (ToR)

Subjects for investigation

- **Lesbian, Gay, Bisexual, Transgender (LGBT)**
 - Societal attitudes towards openly gay or lesbian couples living in Dhaka, Sylhet.
 - Legal situation of Hijras (Transgender)
 - Terminology used in Bangladesh
 - Cultural practices – are homosexual practices accepted if person ultimately gets married?
 - Situation of LGBT activists
- **Rohingya refugees in Bangladesh**
 - Current and future developments
- **Women**
 - Internal relocation for single women
 - Shelters
 - Child marriage
 - Recent reports and surveys (not available on line)
 - Current acid attack statistics
- **Police and the security forces**
 - Status of the national police computer; Communications between police units (can be people be traced/found?)
 - Avenues of recourse for victims of police abuse
 - Rapid Action Battalion (RAB) - mandate; structure and resources
- **Minority religions (including atheists)**
 - Situation of Ahmadiyya (Ahmadis), Christians, 'discreet' atheists
 - Incidence and perpetrators of violence
 - Attacks on bloggers, journalists, etc
- **Political parties**
 - Situation of Jamaat-e-Islami and Islami Chhatra Shibir members/activists
 - Inter- and intra-party violence
 - Hartals and parliamentary boycotts
 - BNP – current boycott/no seats in Parliament situation.

- Awami League and their student wing Bangladesh Chhatra League (BCL).

a) who these factions are

(b) the reasons behind the hostility, including whether there are any differences in ideology.

- **Judiciary**

- Witness protection;
- Legal aid programmes;

- **Prisons**

- conditions
- Time spent in remand (awaiting trial);
- Extent to which conditions vary from one prison/detention centre to another

- **Documentation**

- Availability of forged or counterfeit documents

- **Terrorist groups**

- Presence of Islamic State in the country; current strength and reach of AQIS and other organisations.

- **Miscellaneous**

- Loansharks

Annex B: List of sources

- Abdul Awwal Khan Chowdhury, Ahmadiyya Muslim Jama'at x1 + other Ahmadiyya community member x1
- Ain o Salish Kendra (ASK) x3
- Article 19 x1
- Bangladesh Legal Aid and Services Trust (BLAST) x2
- Boys of Bangladesh (BoB) x1
- British High Commission (BHC) Dhaka official x1
- British High Commission (BHC) Dhaka official x1
- British High Commission (BHC) Dhaka officials x3
- British High Commission (BHC) Dhaka officials x2
- Department for International Development (DfID) Advisor x1
- Department for International Development (DfID) officials x2
- Department of Work and Pensions (DWP) x1
- Human rights organisation x5
- International Organisation for Migration (IOM) (x1) and United Nations High Commissioner for Refugees (x2)
- Journalists x8
- Kajal Debnath, Hindu leader and Presidium Member, Bangladesh Hindu Buddhist Christian Unity Council (BHBCUC) x1
- Lawyers x2
- National Human Rights Commission, Bangladesh (NHRC, B) x1
- Members of the press x6
- Professor Dr. Nazmul Ashan Kalimullah, Director of JANIPOP x1
- Reverend Ashim Kr Baroi, General Secretary, Bangladesh Baptist Church Sangha x1
- Sanjeeb Drong, General Secretary of the Bangladesh Indigenous People's Forum x1
- Source x1
- Source x1
- Source x1
- Transparency International (TI) x2
- UK Bangladesh Education Trust (UKBET) x1
- Western officials x3

Annex C: FFM background explained to sources

Home Office fact finding mission: background

Officials from the United Kingdom (UK) are undertaking a fact finding mission (FFM) to Bangladesh. The team will be interviewing different people to obtain information about a number of topics including political parties and their supporters; police and the Judiciary, prisons, security forces; minority ethnic, religious and particular social groups such as women and Lesbian, Gay, Bisexual and Transgender persons; bloggers and atheists.

The information you give to the FFM team may be quoted in a report which will be placed on the Home Office's website and made available to the public. It will be used to assist UK immigration officials and judges involved in the asylum and human rights decision making process. However, the FFM team will only publish information you provide with your consent. They will also give you an opportunity to review the notes of the interview to ensure they are an accurate reflection of the conversation and ask if you are willing to be identified as the source of the information you may provide in an interview.

You may not wish to be publicly identified. If so, the FFM team will ask if you are willing to be identified in more general terms – for example, by the name of your organisation, or as 'an official of an international humanitarian organisation'. Alternatively, the FFM team will ask if you are content for the information to be used without naming you or your organisation, simply referring to you as 'a source'.

The FFM team would also find it helpful if you could provide some background to your organisation (where appropriate) and your role in the organisation. This will help them to understand the context of the information you provide.

The FFM team consists of three officials from the Home Office, the government department responsible for immigration and asylum.

More information about the Home Office can be found on our website:

<https://www.gov.uk/government/organisations/home-office>

Annex D: Notes from sources

Meeting with an official from the British High Commission (BHC), Dhaka, Bangladesh, 16 May 2017

Prisons

Officials from the British High Commission have the right to visit British (and dual) nationality detainees. In order to organise a visit a Note Verbale requesting permission is sent to the Ministry of Foreign Affairs, which forwards the meeting request to the Ministry of Home Affairs. Once permission is granted, a notification is returned to the Ministry of Foreign Affairs and the BHC is notified. This process can take up to six weeks. For high risk detainees it can take several months, for example seven months has been known for a visit to be granted.

Most British and dual nationality detainees who have been visited by the BHC have been held in single rooms, but this is usually because their families have paid for the person to be placed in a single room. The official had not seen the detention conditions of other (non British, dual nationality) detainees but was aware that those with money or with families with money who could afford to pay for a single room were able to do so. Otherwise, all cells are over their official capacity.

Families of both British and dual nationality detainees and non British detainees are able to visit the detainee once a week, may speak through a grill (there is no physical contact) and can take the detainee extra food to supplement the prison diet, and magazines, blankets etc. They may also take medicines. Detainees could survive on the prison diet and potable (RO) water is provided.

The BHC is able to visit detainees once month.

If a detainee is able to pay for legal representation, their lawyer may visit as and when required. There is access to medical treatment, which meets detainees needs, but not the same standard as in the UK and to a dentist for British and dual nationality detainees. The official was not aware if this was the same for non British and dual nationality detainees.

Exercise space is also provided.

However, a British or dual nationality detainee is automatically classed by the BHC as vulnerable because detainees may be at risk of ill treatment. High ranking Prison officials are trained, often internationally, on prisoner treatment etc, but abuse of detainees can occur from lower ranking prison officers. Beating on the palms of the hands and more extensive beating is not uncommon.

The BHC has access to detainees in Sylhet; in Dhaka; and in Kashinpur – which is currently at 2.5 times its capacity. Many prisons were built by the British at the time of the Raj and are undergoing a programme of rebuilding. There are no open prisons in Bangladesh. The BHC official considered that the conditions in all prisons would be similar. The Prison in Dhaka is very new and has much better facilities than those currently being demolished.

LGBT

The country turns a blind eye to LGBT issues, but there is a large, widespread LGBT population in Bangladesh. The LGBT blogger who was recently killed (2016) was very a high profile LGBT activist. The murder was atypical.

Men who have sex with men (MSM) will be tolerated, provided they keep the family honour by marrying a woman and bear children to keep the wealth in the family. Once there are children the man is free to pursue a relationship with a man and the wife is free to do as she chooses.

Same sex sexual acts are illegal in Bangladesh.

There is no Gay Pride celebration in Bangladesh.

The official considered that the situation would be harder for lesbians, and for women in general, as they may be forced into marriage.

There are no gay bars, but people get together in private house parties. It is a closed community. The official was not aware of LGBT support groups. It is difficult to know if there are differences in treatment for LGBT people who are arrested. Everyone has a rough time with the police.

Arranged marriage

The majority of marriages in Bangladesh are arranged, although there are also some 'love' marriages. Individuals in an arranged marriage will meet ahead and socialise, but there is an expectation that a marriage will take place.

Forced marriage

In some rural areas girls marry much younger - at 15 for example. This may also be the case for young girls who are raped. The family may make them marry to avoid a pregnancy out of wedlock and thus bring shame on the family.

The official was also aware of some young girls of British Bangladeshi descent who have been brought to Bangladesh from the UK and forced into marriage, with their first cousins for example. The BHC works closely with police and officials in the UK and in Bangladesh to prevent this happening. If it has not been possible to stop this, it's likely the girl will be raped on her wedding night and left in Bangladesh until she conceives. A forced marriage is often triggered when the girl has a non Bangladeshi boyfriend.

Sylhet

The official noted that approximately 40,000 British Bangladeshi nationals who had previously worked in the United Kingdom (UK) have retired to Sylhet in Bangladesh.

The history of the large British Bangladeshi community in Sylhet goes back to the time when many people worked on the commercial ships sailing from there to the UK.

Land disputes

Land disputes in Sylhet are a big problem. The official was aware of reports of two people a day being threatened in land disputes - usually in cases where people are squatting unlawfully in houses owned by other people, who for example are away in the UK and who return to find someone else in their property. There is a specialist

police unit in Sylhet which deals very successfully with such issues. Resolution may however be due to a payment being made to the police, who are very poorly paid.

Police bribes

The official was also aware of a case where the police had been bribed by the family of a rapist, which resulted in a payment of 1000 taka (approximately £10) being made in compensation to an underage girl who had been raped. The father and daughter subsequently committed suicide by throwing themselves into the path of a train. The case has since been under further investigation.

Death penalty

Bangladesh has recently executed, by hanging, 6 men, who were sentenced for their part in the 1971 War of Independence.

Counterfeit documents

Forged documents, for example a 'pack of identity documents', are easily obtained on the open market, as are genuine documents obtained fraudulently, because everything in Bangladesh has a price.

Meeting with the Department for International Development (DfID), 16 May 2017

An official from DfID explained the current situation for Rohingya in Bangladesh [referred to by the Bangladesh authorities as 'undocumented Myanmar nationals] and the role DfID has in supporting affected Rohingya by providing humanitarian support to the most vulnerable refugees, prioritising by need.

Cox's Bazaar District, in the south-east of Bangladesh, hosts between 200,000 and 500,000 Rohingya refugees who fled persecution from Burma, predominately in 1978, 1991 and 2012. Only 34,000 refugees have been officially recognised by the Government of Bangladesh (GoB) and live in two formal camps managed by the United Nations High Commissioner for Refugees (UNHCR). The remainder live in two makeshift camps, one informal settlement and amongst host communities across the south-east of the country.

The recent attacks against Rohingya in Burma pushed 74,000 into Bangladesh. Up to two generations of people who identify as Rohingya have been born in Bangladesh and some refugees have been living there for 20 years.

Not all of these people live in refugee camps but may have made reasonably good lives for themselves, having originally been supported by local communities on arrival. However, due to their statelessness their access to services and employment – Rohingya cannot legally work in Bangladesh – is restricted and they have limited free movement. They are also considered – by the Bangladesh government – to be prone to drug trafficking, arms smuggling and a possible terrorist threat. A right to basic services, e.g. healthcare, is being met to some degree in the official camp. Health services were supported by humanitarian groups. Those in the unofficial camp have less access to services. Overcrowding and living conditions for those in the camps is a problem, in some cases five to six families may occupy a 12 x 12 foot space. There are an unknown number of Rohingya living in host communities.

The Bangladesh government is active in the situation and has a policy for refugees (though not a signatory to the 1951 Convention) and a task force has been set up to coordinate the Rohingya in Cox's Bazar. For example, a recent census of Rohingya took place in Cox's Bazar and related areas.

The DfID official was aware of the possible relocation of Rohingya refugees to the island of Thengar Char though this was not seen as a durable and lasting solution.

The situation for women and children in the camps is more difficult than for men due to cultural reasons, e.g. women stay inside and only leave their shelter after dark.

Recently the World Food Programme issued vouchers to women allowing them to purchase their own choice of food. The Bangladesh government has not reprinted the original ration book, so that document only related to the original 32,000 registered refugees.

Societal attitudes towards the Rohingya vary. Whilst locals recognise the humanitarian difficulties faced by the refugees they also see them as competition for jobs and resources in what is already a very poor area.

When asked if they were aware of Bangladeshi nationals using Rohingya documentation with the intent of seeking asylum abroad, the DfID official said they were not aware of this happening, and since most Rohingya have no documentation it would be difficult. The official added that it was not clear what the immigration status of a Rohingya would be if they married a Bangladeshi national.

Rohingyas who have recently entered into Bangladesh from Burma fear they may be stopped by the police and exploited (asked for money) whereas refugees who have been in-country for sometime have connections within the community and are less vulnerable. Rohingya tend to stay in the Cox's Bazar area because it is a known environment.

The official stated that Rohingyas speak a different dialect to Bengali.

The Bangladeshi government has asked for international support in lobbying Burma to resolve the Rohingya issue.

Meeting with a source, 16 May 2017

A source indicated that there was free press in Bangladesh although it was highly politicised 'to keep the ruling party happy'.

The source said that although the media is active, if a journalist publishes information criticising the government they may receive threats. For example, following a critical report of the government 2 years ago, a journalist was threatened and killed.

According to the source, most local media are pro-government. If pro-opposition news is published the publisher would be viewed as supporters of the Bangladesh Nationalist Party (BNP). The source said: 'It is difficult to support the opposition; if someone publishes something about the opposition leader, law enforcement officials would threaten, harass and arrest the person.'

The source said that whilst the Dhaka Tribune claims to be independent they actually are pro-government. The editor and senior journalist of the Daily Star – a popular English-language news paper – is very critical of the government. After publishing a

critical report he had hundreds of criminal cases lodged against him by MPs and government officials. When the government intervened the problems stopped and the cases were dropped.

Journalists who publish information on LGBT or secular issues receive threats from Islamist groups. More than 16 secular bloggers have been killed in the last year (2015-2016) because they criticised Islamists. The government does not protect bloggers and do not want people writing things against Islam. Reporting on LGBT persons is a significant issue as the government does not recognise LGBT issues.

At the end of last year [2016] a Hindu in Brahambaria was accused of criticising Islam in a post on Facebook. This resulted in Hindu temples and houses being vandalised and burned down; over 100 temples were vandalised. However, a government enquiry found that Muslims had actually posted the criticism, but put the blame on Hindus so that they would be attacked. It was reported that a local MP was involved in the Hindu attack. The person who made the accusation against the MP and informed journalists as such was later attacked. The MP was investigated and, although found to be involved in the attack, he faced no charges.

Minority communities always face trouble from Islamists especially during the run-up to elections as it is assumed that these minorities support the Awami League (AL) even though this is not always the case.

Two newspapers have closed down in the last 5-6 years. Online news sources have also been closed down, or threatened with closure, for publishing articles against the government. Facebook was temporarily blocked following the Holy Artisan Bakery attack in July 2016; this was taken positively by the public as it was seen the government were taking action in stopping the spread of Islamisation.

Meeting with an Advisor from the Department for International Development (DfID) Dhaka, Bangladesh, 17 May 2017

Judiciary

Is there a Witness Protection Programme? Who is this available to? How does it work?

There is no witness protection scheme at the moment, but this is an area where DfID have supported the judiciary and the police to assist in changing the current practice. This is because the absence of a proper victim/witness support system leads to crucial witnesses not appearing to testify. A witness support/protection scheme is one of the responses to dealing with the blockages in the current system; however, there is no comprehensive guidance yet.

Is legal aid available? Who is it available for? What type of representation is available through legal aid?

There is a National Legal Aid Scheme sponsored by the Government which comes under the Legal Aid Law, 2000 (amended in 2002), applying to the whole of Bangladesh. It is a very prescriptive law with detailed rules, from the Ministry of Law, Justice and Parliamentary Affairs. To be eligible, a person must earn less than 1,50,000 taka annually. However, it does not automatically guarantee a legal representation for a person who is arrested and detained. A dedicated legal aid

committee headed by the District Judge of a district decides/manages the applications for legal aid. They also manage budget of this scheme. Panel lawyers receive a prescribed fee. The National Legal Aid Scheme is available for all levels of the judicial process, but it does not cover land disputes that exceeds the above mentioned annual average income ceiling.

Some non- government organisations (NGOs) also run legal aid schemes (funded by Donors), which covers 30 per cent of the country. While they follow the standards/eligibility rules set by the Legal Aid Act, it is more flexible in terms of process and management and allocation of funds, covering issues like land disputes.

Most NGO legal aid cases concern family dispute issues such as marriage, child custody, maintenance of wife and children; gender based violence (GBV) and remand prisoners. The majority of people using legal aid in these contexts are women and girls.

There are female lawyers and female police offices, but the officer assigned to the case is decided by the Officer in Charge (OC) of a police station and for this reason it may not be possible for a women to request a female officer to deal with her case.

DfID supported Police Reform Project has seen the increase of female police officers from 1.87 per cent in 2008 to 6.04 per cent in 2014.

Are you aware of corruption with the Judiciary? If so, is it common in all areas e.g. Immigration law/domestic law/commercial law etc? If so, what form does it take? Are all Court officials prone to corruption/bribery?

- a) Lawyers?
- b) Judges? High Court Officials?
- c) Court Officers?
- d) Guards/police?
- e) Any other?

There is corruption in every area, at every level. Corruption starts at the very beginning of the process - from reporting a crime, through to the Supreme Court when a case is finally disposed off.

It is necessary to pay a sum of money in order to progress a case through a police investigation; in addition to prescribed government fees to pay for the documents necessary; to pay as the case progresses through the court system, etc. These payments are known as 'process fees' or 'speed money' – additional costs are incurred at every level of the judicial process, up to the Supreme Court, on top of the government fees. Judges at all levels are open to corruption, which is a very sensitive issue. There has been no study of this.

The amount of additional costs will be in proportion to the case, for example, a commercial case at the High Court will incur greater costs than a land dispute at the District Court.

It is likely that people who are poor would have to borrow money in order to be able to pay the additional costs.

A DfID employee was recently mugged and tortured by a number of people who said they were on bail; they stole the person's ATM card in order to get cash to further their cases.

Is the Special Powers Act still implemented?

The Special Powers Act (SPA) is still implemented, but applied to very few cases. It has been superseded by more stringent and draconian laws. The SPA has been used against the political opposition, it was challenged by human rights defenders/organisations and the Supreme Court issued directions to avoid its arbitrary use.

Is the village court an effective justice mechanism? Do people have confidence in the findings of village court? Why?

Village Courts operate under the Ordinance of 1976; they are quasi judicial courts run by an elected chairman and two other members who are elected representatives too. They deal with certain types of case, such as land disputes; family disputes, and money lending cases and petty disputes at a local level. Cases the Courts deal with should not exceed a cost of 75,000 taka. Cases beyond that are referred to the District Courts.

Village Courts are viewed as less corrupt in the justice system, for one thing, the elected chairperson and his officers live amongst the people and could not afford, for the sake of their reputations, to demand illicit fees. Local government ministries oversee the Village Court system. Whilst it is not a formal court, the judgements are usually abided by.

Village Court outcomes can be appealed in the Civil Courts at the district level.

The country intends to activate the number of Village Courts, currently at 1,000 to 4,400. There are currently 4,400 village councils.

Is Shalish an effective justice mechanism? Do people have confidence in the findings of Shalish? Why?

There are two types of Shalish - traditional and modern. Originally set up in the 17th and 18th centuries, traditional Shalish deal with issues such as family disputes; divorce, child custody, inheritance of properties. These are often biased against women and decisions are arbitrarily enforced, or not always implemented successfully. With the support from the donors NGOs have introduced guidance that seeks to ensure fairness of the process and enhance women participation. The decision of modern Shalish system are not binding on the parties and it is possible to bring cases into the formal justice system if any party is aggrieved and finds the outcome is unacceptable. Bangladesh's formal justice system is overwhelmed with more than 3 million pending cases. Around 70 per cent of disputes are resolved outside of the formal justice system.

Prisons

Bangladesh's prisons are approximately 250 per cent overcrowded. There are always more than 70,000 inmates, of which the majority are without trial or under trial. Only a small proportion are convicted prisoners.

DfID supports a project to address the prison overcrowding, which is a symptom of the failure of the justice system and a consequence of the blockages in the process and the huge backlog of court cases.

There is also corruption in the prisons – detainees are able to get better food, more space and access to their families by paying bribes to prison guards/officials. Also, there is an increasing drug problem in prisons.

There is tuberculosis (TB) in prisons, for which medication is thought to be given, but the healthcare available is provided by the 'jail doctor' and it is not organised well.

According to 18th century rules, political detainees are graded differently to non-political detainees and then again within a political category (sensitive and non-sensitive; 1st, 2nd and 3rd class for example). Political prisoners receive better treatment and are able to obtain newspapers, better rooms, foods, etc.

Given the general prison conditions, implementation of a new Prison Act, is imperative. The condition in prisons would vary a lot – for example between prisons in urban areas and those in rural areas; prisons in some districts are better than in others. Even the amount of food provided varies – for example, it is likely a detainee in a rural area may not be given as much food as a detainee in Dhaka.

Women

Women are detained in separate prisons, but male juveniles are kept with men – as there are no separate facilities for the juveniles in the prisons. Women and men are segregated. It is thought that children are allowed to stay with their mothers, but to what age is not known.

Access to lawyers

Sometimes access to lawyers can be difficult. For example if a detainee is sent to a prison in a different district, the prison may not have all the necessary information and it is not possible to arrange for a lawyer to be engaged/ visit. Under the Constitution, a person who has been arrested should be produced before the court within 24 hours, when a judge may arrange legal representation, but this does not always happen. If a judge sees that a person does not have legal representation, he can appoint it, at his discretion, so it is possible a person may be detained for a long time, without access to a lawyer, until a Court date is arranged.

Once legal representation has been appointed, a bribe might be made in order for the detainee to meet with the lawyer.

Access to families

It is possible for families to visit the detainee, however, for additional time can be bought if they pay bribe. They may also take the detainee items such as food and blankets, etc – but they have to pay a bribe to do this.

A new Prison Act has been drafted with DfID's support with a primary focus on rehabilitation, and expected to be in Parliament for enactment by the end of the year.

Meeting with United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM), 17 May 2017

IOM gave an introduction of their work in Bangladesh; it supports the management of migration related issues – predominantly for migrant workers and forced migration.

Regular migration

The government of Bangladesh has developed a 5-year plan (2016-2021) looking to improve and manage migration, particularly in terms of migrant workers travelling

abroad. There are currently 10 million Bangladeshi nationals living and working outside Bangladesh, mostly in Gulf countries but also across Europe.

There are different government policies aimed at improving the employability and welfare of expatriates returning to Bangladesh but there are many gaps, which IOM are trying to address, particularly as regard migrant workers and how to improve their employability abroad. The IOM also works closely with the government on irregular and forced migration issues. IOM have helped with the return of around 30,000 people; stranded migrant workers and 'boat people' who are looking to reintegrate into their communities.

The high cost of migration is a concern. The process for a migrant to get employment abroad is long and costly. There are also private recruitment agencies that may be unscrupulous in their practices as regards costs paid by migrant workers. Ethical recruitment practices are required to get skilled migrants employed abroad, particularly in the Gulf States. IOM is promoting safe migration to reduce risks for migrants by going through official channels, and supporting the government in implementing different policies and action plans. Bangladeshi workers are seen as the lowest of all Asian workers.

2 million people enter the Bangladesh labour market every year, of that number 1.5 million think of going abroad to work.

In 2016 the government registered 1 million regular migrant workers; 4-5 years ago the number was 400-500,000.

Irregular/forced migration

There is an unknown number of undocumented and unregistered Rohingya refugees (referred to as undocumented Myanmar nationals by the Bangladeshi government) living in Bangladesh. Approximately 110,000 live in 4 makeshift settlements (camps). IOM has been present in the camps in Cox's Bazar since 2014 and was working with 60,000 Rohingyas. Approximately 50,000 more Rohingyas came to the camps following the border post attacks in October 2016.

The IOM are coordinating humanitarian assistance for undocumented Rohingya in cooperation with other UN agencies and 4 International Non-Governmental Organisations (INGOs) – Solidarity International, Handicap International, Médecines sans Frontières (MSF) and Action Against Hunger. Support is provided on healthcare; Water, Sanitation and Hygiene (WASH); gender-based violence (GBV). IOM work closely with the community and provide 'protection by presence' by having field staff in the makeshift camps. There are also medical staff based in clinics; 3 sub-centres, 2 sub-district health centres, 1 standalone clinic (which is private) and 'community clinics' (which cover 10-15 per cent of the Rohingya population). WASH intervention is also provided in the makeshift camps and host communities to improve the water supply. Mechanisms are in place to help reduce GBV.

Since the border guard attack in Rakhine state in October 2016 approximately 74,000 Rohingya crossed the Bangladeshi border; however none have been registered so there is no accurate number. The NGO Solidarity International is supporting the new influx of migrants in host communities.

Following this latest influx the government requested an increase in the capacity of NGOs and IOM due to the increase in migrant numbers. IOM is using a global tool to track people – the DTM (Displacement Tracking Matrix) and also the NPM (Needs

and Population Monitoring) to record the Rohingya population, which is mobile between host communities, and makeshift camps.

A government census of all Rohingyas living in Bangladesh was conducted in 2016 throughout the 6 districts where it is considered most are living. (It is thought that there are approximate 300,000-500,000 living elsewhere in Bangladesh, though this figure is not verified). The census has been extended into 2017. Those who participated received a paper slip and the hope is that they will receive some sort of temporary identification card (though not a National Identity Card), which will hopefully avoid police harassment.

Due to their lack of status, some Rohingyas face arrest and detention under the Foreigners Act for being in Bangladesh illegally. Even if a Rohingya commits a crime they will not be charged for that crime but will be charged under the Foreigners Act, which carries a five year sentence. This can result in long imprisonment. For example, one Rohingya who stole a rickshaw has been in prison for 12 years because due to the fact that he cannot be deported to Myanmar, but if freed he is still committing the crime of being in Bangladesh illegally and so is re-arrested. However, there is a trend in moving away from charging Rohingyas under the Foreigners Act: a goodwill gesture on the part of the Bangladesh Government and a shift to charging people with the actual crime they may have committed. There is an increasing presence of law enforcement agencies due to concerns of radicalisation and a general need to know what is happening in the area of Cox's Bazar.

The IOM official indicated that the Rohingya community living in camps are organised in such a way as to have an informal structure, e.g. leaders, camp management committees, and an informal justice system, which works well in keeping the peace though less so for victims of gender-based violence (GBV). The local police would tend to only get involved in the community's justice mechanism if a Bangladeshi national was involved.

The UNHCR official added that, whilst there was frustration with the situation of Bangladeshi nationals facing GBV, GBV was worse amongst the Rohingya population due to patriarchal and conservative attitudes. IOM added that there were increasing issues with drug abuse in makeshift camps, particularly the use of Yaba, which is basically crystal meth and caffeine, coming from Myanmar, and which sometimes led to GBV.

UNHCR gave an overview of their work in Bangladesh with the Rohingya.

The first influx of 250,000 Rohingya came into Bangladesh in 1992 and the government asked UNHCR to assist with their repatriation. Around 235,000 were repatriated, though not with complete success as many later returned. The remaining 15,000 were registered with UNHCR and moved into 2 camps – Kutupalong and Nayapara. Since 1992 the number of Rohingya in these 2 camps has increased to 33,000 due to the birth of children/grandchildren, all of whom are registered refugees. A further 20,000 new Rohingya have moved into the official camps since October 2016 although they are not registered as, at the behest of the Bangladesh government, there has been no registration of new refugees since 1992. This has placed additional pressure on the official camps. To be mentioned that the number of these newly arrived Rohingya are still fluctuating as they may move in or out of the camps.

New arrivals since 1992 moved into makeshift camps along with mixing with host communities. It is thought there are approximately 50,000 people in the makeshift camps currently using facilities which have a capacity for 15,000, so the system is very strained. There is no legal framework or national asylum mechanism available for Rohingya to claim asylum in Bangladesh.

UNHCR noted that detention under the Foreigners Act can mean a person is imprisoned much longer than their sentence. They are known as 'released prisoners' though are not effectively released because of the lack of legal status. Rohingya fear detention under this Act so they do not go to the police to report crimes committed against them. This particularly refers to women victims of GBV, so these cases are never reported.

UNHCR supported Rohingyas under a resettlement programme to third countries (960 were resettled) although this was viewed as a pull-factor for more Rohingya to enter Bangladesh in the hope of being resettled elsewhere. The resettlement programme was suspended by the GoB in 2010.

Many Rohingya marry Bangladeshi nationals and have children. By law a child born of a Bangladeshi national can receive citizenship. However, permission from the authorities – the Camp in Charge – is required for registered Rohingya to get married. Marriages between undocumented Rohingya and Bangladeshis has been discouraged by the GoB to be registered.

Between 1992 and 2012 the arrivals of Rohingya into Bangladesh was slow.

[Following violence in Rakhine State] another influx of Rohingya occurred in 2012, which resulted in many push-backs by the authorities. Whilst not being a signatory of the 1951 Convention, Bangladesh is a signatory to the Convention against Torture and thus the push backs were considered refoulement. UNHCR considered the flow of Rohingya were fleeing persecution and advocated they should be recognised as refugees.

In 2013 the government adopted a National Strategy on undocumented Myanmar nationals, consisting of five pillars:

- Locate and document
- Repatriate (how)
- Evaluating humanitarian needs
- Border strengthening mechanisms
- Increase/improve relations between Myanmar and Bangladesh

A joint UN response Plan followed the influx of refugees in 2016. Shelter is the primary concern for new arrivals. Both registered refugees and undocumented Rohingya are treated as one group in the Joint Response Plan. Access to services is equal although some registered refugees may be more affluent and able to access more. However, humanitarian and protection needs are prioritised.

Documentation

UNHCR has a computerised record of all 33,000 refugees living in the official camps. Although legally there is no free movement for the refugees they are able to leave the camps but have no legal right to work and informal education inside the camps is limited to standard 7 (age 12-13 years). Children cannot attend local schools or take exams.

Registered refugees receive a biometric UNHCR/MDMR (Ministry of Disaster Management and Relief) card. All biometric information is kept on the UNHCR-GoB joint database. The card allows access to some services. Food ration cards are also computerised. New births are now registered in the national online database as under Bangladeshi law all children must be registered and issued with birth certificates although this does not mean they have Bangladeshi citizenship. Family books ceased being issued August 2014 when the Food-Card started to being issued.

UNHCR stated that they had heard some Rohingya families “pawned” their food cards for money although since all contain biometric information they are effectively useless to anyone other than their genuine owner.

UNHCR indicated that they were able to verify all cards and their owners on the database. They can also reissue lost cards. UNHCR were not aware of forged or fraudulent cards being used.

Language/culture

IOM said that, because they are of South Asian origin, Rohingyas look similar to Bangladeshis. However, new arrivals into Bangladesh would have little in common with Bangladeshis although this may depend on their education and status in Burma. They are Muslims as are many Bangladeshis although in Cox’s Bazar Rohingya practice a more conservative and traditional form of Islam.

UNHCR said that Rohingyas speak the same language as Chittagonians, which is very different to mainstream Bengali. Although there may be a slight difference in accent to Chittagonians, this accent can be learnt and adopted. Bangladeshis living near to the Burma/Bangladesh border would have an even closer language link to the Rohingya. Some Rohingya may speak fluent Burmese, depending on how integrated they were into Burmese society.

There are some people from Rakhine ethnicity living in Cox’s Bazar who have Bangladeshi citizenship.

Meeting with Ain o Salish Kendra (ASK), 18 May 2017

ASK was set up in 1986 and is a human rights and legal service provider.

It provides legal aid support for anyone in need in terms of human rights violations, through counselling, mediation and legal aid. Its target people are, especially, women and children (there is no set eligibility income criteria). The group also has an interest in Public Interest Litigation (PIL). Throughout the country it also works with HR (human rights) theatre activists, human and child rights defenders, a number of women’s, journalists and lawyers groups and other non-government organisations (NGOs). It reports on extrajudicial killings (very few organisations talk about these) and works with slum dwellers and those who are facing eviction.

One of its aims is to build the capacity of human rights defenders.

It is a pioneer in introducing law reform.

It works with lawyers and advocates, and also runs a number of centres, to which street or working children can go within 9.00 am to 5.00 pm (Sunday to Thursday) for cultural and social experiences, education and counselling. Under the direction of the Court, divorced men and women can also meet with their children in ASK's office premises.

The country's Supreme Court Legal Aid Committee had also requested ASK to support its work rehabilitating ex detainees on departure from prison, assisting with people who, for instance, had been detained for 15-20 years. However, ASK does not have the resources to carry out this type of work on a large scale. The Government has in place a facility to provide legal aid to underprivileged people, but it would be more effective if communicated more widely, so people get aware of its existence.

It runs a halfway home only for women victims of domestic violence and their children or those women who are in danger from the perpetrators and the police. It is in a safe and confidential location.

ASK has a helpline: 01724415677. Open 9 am-5 pm Sunday to Thursday, but it is also referred enquiries from the Government Helpline which is open 24 hours.

Women

There are no honour crimes in Bangladesh per se, but there are instances in which the honour of the family is attacked, usually by the rape of a child. Based on highly patriarchal notions, rape is used as a weapon to destroy the honour of family. It dehumanises and abuses the honour of the family as a whole and is the major reason for not disclosing such attacks. In the period 2013-2017 around 55 per cent of the total rapes in five years were gang rapes of children under the age of 12.⁴⁸²

Between 2014 -2017, most rapes were happening to girls aged 6 and below. So rape is not occurring because of women being seen as a sexual object; it occurs to children as well as women with covered clothing to bring shame and fear on the family.

In 2015 the Bangladesh Bureau of Statistics reported that 74 per cent of women faced or were likely to face violation from an intimate partner at least once in their lifetime. Rape is increasing daily. Gang rape is also on the increase. ASK maintain a database of gender based violence based on media reports.

There were 724 rape incidences including 65 attempts to rape in the period of January to December 2016⁴⁸³; 14 per cent of the victims committed suicide – to avoid the shame, between January 2013 to April 2017.⁴⁸⁴

Children and women who are raped face humiliation from the society and their future becomes stigmatized. The families of the raped also struggle with the continuous humiliation and at some point those impact the victim child. They are likely to lose any hope of marriage and may not be able to stay in their village.

⁴⁸² <http://www.dhakatribune.com/bangladesh/2017/05/14/taking-it-out-on-children/>

⁴⁸³ <http://www.askbd.org/ask/2017/01/08/violence-women-rape-january-december-2016/>

⁴⁸⁴ <http://www.dhakatribune.com/bangladesh/2017/05/14/taking-it-out-on-children/>

A land dispute could be the reason for a child's rape. They are common everywhere, slightly more in rural areas than urban – but more so in urban slums.

Domestic, often underage, workers are also victims of rape by their employers. At one time ASK worked with employers and workers, but no longer.

According to statistics, only one percent people can access to police and only 3 per cent of victims get some form of support from the authorities. ASK advised further information could be found in the Bangladesh Bureau of Statistics report for 2015.

Attitude of the police to gender issues

The police are meant to be at the ultimate help in the event of human rights violations but in our country the context is different. Most of the time people cannot trust the police. Mostly with the cases of rape police show reluctance to receive complaints. Recently, two rape victims in Banani rape cases could not file complaints since the responsible officer at the police station declined to accept them in the initial days. 'Model' police stations are deemed to have an operational 'women's desk' but normal police stations do not have any such arrangement for the women. The law enforcement agencies are generally not gender-sensitive. ASK works on this issue through organising different trainings and workshops. ASK has provided 1-2 day training workshops on domestic violence, including information about the appropriate laws and police responsibility for domestic violence victims and the requirement to refer cases to the court.

Some significant numbers of police officers' attitudes towards women are not friendly or respectful and even women officers in the police headquarters are bullied and afraid to speak out. It was reported recently in the press that a woman police officer had committed suicide due to bullying. She left a suicide note which explained this. But some police officers are very supportive of gender issues and are easy and good to work with.

Cyber crime against women is moving fast. It is very easy to use.

Women's shelters

The Ministry of Women and Children run one women's shelter and the Social and Welfare Department run a few in some districts but there are not enough and the handling processes are poor. ASK run one halfway home in the Dhaka area. Other NGOs run 3-4 shelters in Dhaka, and 13-14 in rural areas at a district level, which is very few compared to need. ASK provide legal support in different shelters.

In the ASK halfway home women can stay for 3 months (though sometimes longer), after which they are referred to a long term shelter if they still have a need for accommodation and support. There is no time limit on the government-run shelters – women can stay as long as they need to. The ASK halfway home can cater for 10 women along with their children. It receives 60-70 new entrants each year in addition to a number of long term residents. It has 3 support staff members.

ASK also noted there is Government Legal Aid, which is a good initiative, but there is not enough support in terms of legal aid generally, as human rights organisations offering the service are small.

Litigation work

ASK has 840 cases pending, dating back to 2004. It anticipates an additional 150 cases on top of that by the end of 2017 – the judicial process is very slow.

140 cases are disposed of on average each year and the organisation has a 98% success rate.

There were 22 cases where women withdrew the case in the year 2016.

ASK has 4 staff lawyers as well as a panel of lawyers. All these panel lawyers work on humanitarian basis and ASK pays a minimum amount as honorarium to them for each case.

Marriage

Child marriage

The Child Marriage Restraint Act (CMRA) was brought in in 1929. In 1984 this was amended to stipulate the age of marriage for girls as 18 and for boys 21. With consultation from various levels, especially with the CSOs (civil society organisations) and relevant groups, the government revisited the existing act in 2014. There the Government sought to lower the age for girls to 16, but ASK and many other HRO, CSOs, media groups etc. lobbied over several years to keep the age at 18. However, in the final stages of the Bill passing through the Government added a clause which said girls of any age could get married with the permission of parents and concerned court under 'special circumstances' – without mentioning any minimum age that creates a situation of zero age limit of marriage in the country. There are concerns that the law may be mishandled because of the lack of reach of the judiciary.

This clause has undermined all other national laws and UN and ILO conventions ratified by Bangladesh referring to definition of 'child' and girls rights and was passed as law in 2017. The result of this passage will be disastrous. The result is affecting the health of girls, many whom have several children and have been thrown out by their families; their children are malnourished. Girls are losing out in lots of ways. About half of children of under age mothers have 'stunting' and their education suffers.

In the period 2005 to 2013, according to UNICEF, 29 percent of girls in Bangladesh married before the age of 15 and 65 percent married before the age of 18.⁴⁸⁵ Over these years, the NGOs and the Government ran a big awareness campaign, even in rural areas, which has been successful in reducing child marriage. Now there is a general awareness among the community that 'marrying off' daughters at an early age is dangerous and not beneficial. But the tendency is still prevalent due to social insecurity, stereotyped norms, poverty, etc. And it is deemed that the new Child Marriage Restraint Act 2017 will fuel such tendency. In Bangladesh about 58 percent of adolescents by the age of 19 begin childbearing, while 51 percent have given birth, 7 percent get pregnant with their first child and 8 percent have two children.⁴⁸⁶

Forced marriage

Girls in Bangladesh are victims of forced marriage though forced marriage per se is not recognised in Bangladesh, so there are no statistics recording how many take place, but ASK acknowledge it is a problem. Many underage girls marry, who by definition cannot give their consent as they are under 18. So in this sense 'arranged'

⁴⁸⁵ <https://www.hrw.org/report/2015/06/09/marry-your-house-swept-away/child-marriage-bangladesh>

⁴⁸⁶ http://www.newstoday.com.bd/index.php?option=details&news_id=2360439&date=2013-11-01

marriage becomes 'forced' marriage. Parents do not wish girls to marry people they consider undesirable.

For example, a 27 year old British Bangladeshi woman (a trainee doctor) travelled from the UK to visit her family. The family attempted to prevent the woman returning to the UK when it was discovered she had a relationship with a man there. The family wanted her to marry a local man. The woman was imprisoned by the family but eventually managed to message for help. A Court ruled she could return to the UK, but the British High Commission was required to assist her departure to the airport.

The Muslim religion states very clearly that marriage must be consensual.

Single women

There are big problems with the social acceptance of single women, even for educated women who are working. There are also financial constraints. To live without male support is almost impossible. Bangladesh is a very family-orientated society. Even educated women are afraid to leave their families. There are NGO-run livelihood programmes for older and poorer single women.

It is difficult for single women to rent a place to live in Dhaka or anywhere since society does not accept this and the state fails to assure security. It turns out to be a great obstacle towards single potential women's empowerment. Single childless women may be able to find work in someone else's home (as a domestic worker), but a woman with children would find such work difficult to obtain.

Single woman living alone are often called Bhabi which means 'sister-in-law'. It is for their protection and also suggests they are unfamiliar with or unaccustomed to being with a single woman.

Political and security forces

There are some examples of punishment against the rogue members of law enforcement agencies. There are departmental punishments, under the Inspector General, but there is no independent body overseeing the conduct of the police.

There are some complaints procedures against the Rapid Action Battalion (RAB) but mostly the complaints are unaddressed. However, there was a complaint that on 23 March 2011 a college student, a Jhalokati named Limon (aged 16), was shot in the leg by RAB. Following the attack he lost one leg. The case was filed in the Lower Court in Jhalokati district. ASK is supporting Limon in legal measures and the case is pending.

RAB committed another grave violation of human rights in Narayanganj by killing 7 people on 27 April 2014. RAB was condemned both at national and international level for this Extra-judicial killing (EJK). 25 members of RAB 11 including their commanding officer was involved along with some other associates like informers and local influentials. The victim's family filed a case and the police produced a charge sheet accusing 35 people, including the aforementioned 25 members of RAB. In the final judgement 26 were sentenced to capital punishment, among them 16 RAB members. ASK always emphasizes to strengthen the police instead of patronizing to build other armed forces.

Political issues

Police

The police show allegiance to the ruling political party. This is always the case, no matter who is in power.

It is not possible to say what the police would do if someone reported an opposition party member as having committed a crime. It is complicated. It is not the case that the person would be treated badly just because they belonged to a different party – the police would take on a case first, but it would go nowhere. It could be that some police officers changed their public allegiance when the political party took office, but may have a different private political leaning. But if a case is filed against a supporter/member of the opposition by a ruling party supporter, the police are more likely to follow the case through. In the police office environment there will be cordial working relationships, but outside the office colleagues may be enemies.

Presidential pardon

Once a case has been through the judicial process and sentence has been passed, the President has the power to pardon. But in most cases pardons are explained by political affiliation.

MPs

Some MPs are keen to introduce progressive laws, but are unable to since the MPs need to abide by the decision of their respective political parties.

Prisons

Human rights activists or organizations do not have easy access to visit detainees in prison. ASK collects data related to human rights situations in prisons through different sources like families of the detainees, detainees after they come out of prisons, and other relevant sources.

Information collected from female prisoners after they come out of prisons reveals that pregnant women are able to give birth in a hospital, but return to prison with their baby. There is no food allocation for babies and children, so the mother has to share her rations with the child. There are prison doctors. Sometimes rape victims stay in prison as they have no support or nowhere else to go.

LGBT

ASK is highly concerned about the rights of LGBT activists. Though ASK do not deal with LGBT issues directly, it expresses its concern through advocacy at different levels.

Meeting with Professor Dr Nazmul Ahsan Kalimullah, Pro-Vice Chancellor of Bangladesh University of Professionals and Director of JANIPPO, 18 May 2017

Overview

Can you provide some background to you and your organisation?

I am an academic, currently pro-Vice Chancellor of Bangladesh University of Professionals (BUP). The BUP is an umbrella organisation for 56 organisations

across the army, navy and air force all across the country. It started in 2008. The BUP operates under the Ministry of Education and the University Grants Commission. We also work with the Ministry of Defence and the Armed Forces Division. The Vice-Chancellor comes from the army, although it is possible for a civilian to occupy that position. I am pro-Vice Chancellor on deputation from Dhaka University. I am also a commissioned officer.

I have many 'hats', both civilian and military. I am also a journalist, having worked on newspapers in both English and Bangla. I also arrange international film festivals and have participated in TV talk shows talking about controversial issues such as politics. I have a degree in Public Administration and have studied in the Universities of Birmingham and Bath in the UK.

I am currently chair of JANIPOP – the National Election Observation Council. JANIPOP is an election working group, funded by the Asian Foundation, and has existed since 1995. We operate in many countries including Mozambique, Nigeria, Egypt, Zambia, Sri Lanka, Pakistan, Nepal, Timor-Leste, Hong Kong and others. We have a presence in the UK and USA.

Elections

When is the next general election planned for?

The next election will be held by 28th December 2018, or may possibly be stretched to January 2019. JANIPOP has been tasked with finding suitable people to man the election checking.

Can you comment on the last election?

The election for the tenth Parliament was unprecedented. The BNP boycotted the election and put up resistance against anyone who wanted to participate in the election process. The election for the sixth Parliament [in February 1996] was the closest similarity, but the last election was a bizarre affair. Out of 300 places, 153 were filled by unelected people because the BNP boycotted the election. Their boycott was constitutionally perfectly OK, but there was a perception that it was questionable. The boycott gave the BNP a moral superiority; the problem was with the stance of their resistance to the election, and the violence. Jamaat-e-Islami almost waged war. However, I do not want to blame any particular stakeholder.

Do you think there will be a repeat of the violence of the last election in the forthcoming elections?

There is a little possibility that there will be a repetition of the last election. However, the BNP has lost strength, as has Jamaat. Jamaat used to supply money and men, but their control over institutions has reduced to a great extent. They have lost their registration.

Many of Jamaat's leaders have been hanged for war crimes committed in 1971. There is a stigma attached to Jamaat. Those born after 1971 are embarrassed about Jamaat's role and want to shake off this reputation. They want to dissociate themselves from the BNP. The 'Islamic movement' has a strong following in different educational institutions in north Bangladesh and Chittagong. There is resistance against the BNP because they waged a violent movement; they have eluded their

legitimacy and morality. The BNP look to realign themselves to a more centrist position.

We heard that because the BNP boycotted the last election, the Prime Minister has a lack of moral authority because there was no opposition last time. Can you comment on this?

It is the former Prime Minister, Zia of the BNP, who has lost moral authority, not the Prime Minister. This is because of the 48-hour strike, the hartal, that was called; the electioneering; the asking of followers to put up resistance; the attempt to intimidate voters; and the disruption of the distribution of election materials.

Can you comment on Islami Chhatra Shibir?

Islami Chhatra is a student body. They are not mainstream and they have a notorious reputation. They are a subsidiary of Jamaat.

Could Islamic Chhatra constitute a viable opposition?

No.

[Other comment]

The Government has banned some groups. Hizb ut-Tahrir is growing in influence. They were founded in Jerusalem and were imported to Bangladesh from the UK. They don't believe in elections – they want to come to power by military means. They claim to be the Bangladesh chapter of a global movement. They are like IS with a doveish face.

Do you think there is likely to be violence in the run-up to the next election?

The next election is a 'do or die' situation for the BNP and Jamaat. It is a last-ditch battle for them. They still have a lot of money in the coffers.

The ISI [Inter-Services Intelligence], a Pakistani outfit, supported and funded the BNP. The ISI have the largest budget of any international outfit, more than the CIA. They benefit from the illicit narcotic trade. They control an enclave of Oman in Pakistan, which was bought in the 1950s and later developed by the Chinese as a port. Also, in Afghanistan, while there is an insurgency there, the opium trade is still a moving business.

The ISI have waged a proxy war on Bangladeshi soil. They have also done this in India, in 7 Indian states. After the Awami League came to power, the ISI decided to shut their training camps in India and in Sylhet. This diminished their influence and power. They had funded the BNP on several occasions in previous elections.

Bangladesh has intelligence forces, civilian forces and a Special Branch who are all quite active state actors and cooperate with their counterparts in the region. There is a security dialogue.

Judiciary

Are you aware of corruption within the judiciary?

Corruption is now more pervasive, especially at the lower end such as district courts. However, it is also seen in the higher courts. I have a personal case study about this. My father-in-law's ancestral home is near Dhaka. There was a dispute over the land

which went to a civil court case. My father-in-law's family won the case, but it then went to the High Court. The judge hearing the case then approached the family asking for money in exchange for a favourable verdict. My wife, who is a lawyer, was furious at this and raised the issue with the Attorney-General, whom she knows. The Attorney-General agreed to look into the situation, but he wanted half of the judge's bribe to sort it out!

Is what you described a common experience?

Yes. Bribery and corruption happens from the bottom up.

[Other comment]

People have also criticised the appointment of the first non-Muslim Chief Justice, who is a Hindu.

Is he trying to change the system?

Not really. He is rather a whimsical character.

[Other comment]

I believe that the judiciary should be strengthened with more emphasis on training, such as through the Judicial Training Institute, the JTI. There is also BILIA, the Bangladesh Institute for Law and International Affairs, which is a think-tank.

Is it possible to receive justice?

Justice is costly.

Is there an independent body that oversees the judiciary?

There is a Law Commission and a National Human Rights Commission. However, I am cynical about these. I think there are only there because they are on the wish-list of donors. It is a tick-box exercise.

Is Legal Aid available?

Almost all NGOs have a Legal Aid arm.

Is there Government Legal Aid?

Yes, in different outfits, for example from the Department of Women and Children Affairs. There is also aid available from the Ministry of Home Affairs. This relates to trafficking cases. However, there is always scope to enhance capacity.

Is the Special Powers Act still used?

Yes. Successive governments have used it for their benefit. Opposition parties have promised to repeal it but then shy away from doing so when they get into power.

We have heard that other laws superseded the Special Powers Act and have been used to target political opponents. Can you comment on this?

Yes, this is true. Article 17 provisions mean that a person cannot 'cross the floor' otherwise they will lose membership. People need to toe the party line.

This means that you cannot vote against your own party?

No way. MPs cannot vote against their own party.

Is Shalish an effective justice mechanism? Why/how does it work?

Shalish is part of the fabric, a consequence of British rule in India. It isn't really an effective justice mechanism but the special interests are strong so it has been popularised by NGO intervention. The Shalish are Marxist-like independent village republics. They are now lost. Special interest groups are trying to revive it, but it is like chasing the chimera.

We understand that village courts are different from the Shalish. Are village courts more reliable?

Corruption is still there. Ultimately the party line is toed.

Meeting with official from the British High Commission (BHC), Dhaka, 18 May 2017

An official from the British High Commission (BHC) responded to some questions put by a fact-finding mission (FFM) delegate regarding exit and entry procedures for Bangladesh, and the police.

The official explained that official exit and entry into Bangladesh came under immigration jurisdiction. The Immigration Police are not always linked up to other law enforcement agencies.

Could someone wanted by the police or judiciary exit the country?

The official stated that the government sometimes issues a 'blacklist' or 'no-fly list' of names to the Immigration Police. However, the list is not comprehensive and can be politically selective. A blacklist would usually only contain the names of 'high profile' people who may have arrest warrants issued against them.

If a person is on the blacklist attempted to leave or enter the country their name would trigger an alert on the immigration computer system. However some individuals who have been released on bail conditions, or are appealing a conviction, do not always have their travel restricted. The official gave an example of a senior Bangladeshi Nationalist Party member who had many 'politically motivated' cases filed against him. He was, however, often allowed to leave the country through the official channels.

The official added that a person charged with murder would normally not be given bail and thus would not have the opportunity to exit the country. However, there are exceptions and cases of fraudulently obtained documents (e.g. forged bail order).

The official told the FFM delegate that the border between Bangladesh and India was very porous allowing an illegal flow of people between the two countries. Therefore someone wishing to leave Bangladesh undetected could exit the country this way. The official gave an example of a British national of Bangladeshi origin who was aware a criminal case was about to be filed against him so he crossed the border from Sylhet into India and flew back to the UK from Kolkata.

In the official's view, 99 per cent of people attempting to leave the country, even if charged with a crime, and particularly if they were low profile, would not face difficulties in leaving Bangladesh through the official immigration channels. Someone

of low-profile might be able to bribe an immigration official but it would be more difficult for someone of high-profile to do this.

Agents were used to support economic migrants travelling abroad for employment. However, the official was not aware of agents being used to help people get out of the country for other reasons.

Could a 'wanted' person obtain a genuine passport?

The official said that there were no police verification checks from renewing a passport. However, after 2012, first time passport applicants must attend the passport office in person and submit a police verification certificate. When applying for a passport, biometric data is taken including fingerprints and an iris scan. Police verification checks should take one to five days to complete; however, payment is often required to speed up the process.

National police computer

The official told the FFM delegate that there was no national police computer system in place. Crimes can only be reported to a police station within the jurisdiction of where the crime occurred.

The official said that forged and fraudulent documents, for example, arrest warrants and/or court summons, were easily obtainable.

Meeting with members of the press, 20 May 2017

Background

Can you provide some background to the things you mainly write about?

We comment on local political issues and trouble. Sylhet is a small division, only having four districts, and it has a different focus to the national level. There is less trouble here than in Dhaka. Sylhet is small, everyone knows each other. However, there are still problems – political trouble, political rivalry, vandalism, opposition protests. Most cases are filed by the police, such as for vandalised public property, although it is geared up by the ruling party. This happens always – it also happened under the previous regime.

Police and security forces

Do police file reports for political activity, or is it mainly for crimes such as criminal damage?

Everything.

What would the police do to those it files complaints about?

Arrests and detention. Some people may flee, go into hiding.

Do the police engage in extortion?

Yes, in many cases. It maybe happens in most cases.

Judiciary

Is there legal representation for those arrested and detained?

Yes, but it takes a long time. It could be several months or even years.

You mean people can spend a long time on remand?

It happens in political cases like most of the criminal cases. But the court has to grant it. There are different provisions for vandalism, hitting someone and so on. Someone could spend some time detained before being charged, something like three months. This was a system invented by the British. It is seen as good law. In the system the ruling party dominates. Vandalism done by the ruling party takes a long time to charge and then the case is usually dropped due to the influence of the political 'high-ups'.

Political parties

Are members of youth or student wings targeted?

Yes. There are many volunteer groups who are wings of political parties. Charges are brought against student and youth volunteers of political parties, and students face the main problems.

So students are more likely to be targeted?

Yes. There is more opportunity to do this. Students are more at risk if they are opposition activists. Activists of the student or youth wings face the main problems. On the other hand, innocent people with no political links face trouble. It also happens in the case of moneyed men.

Are there clashes between student and political factions?

Yes, it happens among ruling and opposition parties. It has now reduced though; the situation has become more balanced, and the opposition is weak.

Can you comment on the alliance between the BNP and Jamaat-e-Islami?

There is a central alliance between the BNP and Jamaat, but less so at a local level. The BNP's student wing has a conflict with the ruling party. The court recently filed a case against the ruling party; it was a long case, which received much coverage.

Are there ideological differences between different party factions?

No. It is about supremacy in the locality. The ruling party's student groups are engaged in extortion from business. Groups have different names. There is the Bangladesh Chhatra League, who are the student body of the Awami League, but there are also local leaders and different names for different local groups.

Are clashes between factions frequent?

It is quiet at the moment. In Sylhet it remains calm and quiet – Sylhet is known as the 'city of harmony'. However, things are happening in Chittagong and elsewhere. Chittagong and Dhaka are bad areas for political trouble.

So is the situation for violence worse in areas outside Sylhet, for example in Chittagong and Dhaka?

Yes. Sylhet is a big expatriate area. However, there are peculiar incidents. We have heard of cases of physical torture. If the police find out that a person has a brother in England they are more likely to be treated badly for extortion reasons.

Sylhet

Why does Sylhet have many British expatriates?

There are historical and geographical reasons for this. Sylhet used to have trade links with Calcutta. In World War II many people from Sylhet joined the British Army. People from Sylhet are very laborious when abroad but not so serious when they come home! The owner of this hotel [the venue of the interview] has many restaurants in the UK.

LGBT

Do you have any knowledge of, or report anything about, LGBT issues?

Sylhet is a small city and there is not much organisation of such groups. Most of these groups are based in Dhaka. Such ideas are new and brought forward by media intervention. But these things are not socially acceptable. This is not just among the Muslims but also others. I had a conversation yesterday with a non-Muslim for example. There are cultural reasons why it is not socially acceptable.

Are there any LGBT groups in Sylhet?

No, but we are aware of an NGO but nobody knows where its office is located. We know of the group Bandhu but it is not visible in Sylhet. There are NGOs in Dhaka that deal with LGBT issues.

[Comment]

There was a recent arrest of 27 people. The police went to a community centre and arrested people on drug charges.

Are LGBT people able to live openly?

No. It is not accepted in the society or by families.

Is a lesbian woman likely to be forced into marriage?

I haven't heard anything about this but most probably. There would be a view that she should get 'back on track'.

Can you comment on men who have sex with men (MSM) but who do not identify as gay?

This may happen but it is not discussed. It is not acceptable due to social norms.

Is an LGBT person who is an activist more likely to attract adverse attention?

Yes. Gay rights activists would be more at risk in Sylhet than Dhaka.

What treatment would they face?

The family would be in trouble. The family would not be encouraging or accepting. Is it possible that an LGBT person could face a trumped-up charge?

No, that is not allowed by our law. It is a case that society does not accept it and therefore why should a family accept it? It may be different for higher class people but I'm not aware of this. Bangladeshi society is yet to accept such things.

Would police protect an LGBT person?

The police may take on such a case. It is a police obligation to protect everyone.

Would this be the case even if the police knew that a person was gay?

Yes, even then. Everybody has legal rights. Normally the police are helpful when a person needs protection.

Are the police helpful when a person is in trouble?

If an incident happens it's hard to guess, but normally the police would help.

Can you comment on hijras in Sylhet?

There are hijra groups in the city. The Government provides some assistance. Sometimes the hijras create trouble as they want money.

Has the situation for hijras improved?

Things are being done by the Government but it is slow.

Do hijras have their gender status recognised on documents?

I'm not aware of the latest on this.

Religious minorities

Can you comment generally on religious minorities in Sylhet?

It is comparatively better for religious minorities in Sylhet than in the rest of the country. When a minority person lodges a complaint the Government will give him the highest security. For example, a minority lady who complained against her Muslim neighbour was listened to even though it is now known that she was just a troublemaker. There is a Muslim shrine in Sylhet that people visit. There is religious harmony in Sylhet. Minor incidents take place in the villages but the Government is active in these cases as they are concerned about minorities. We recommend that you speak to the Hindu Society about this.

Can you comment about those who renounce religion entirely - atheists?

It is the same. It is seen as someone's personal view. There is no organising group for atheists though. There are no problems that I know of.

How would a person who encourages Muslims to apostatise be treated?

We do not see this. It is a person's individual view. At a maximum a person will be deprived of family rights.

Journalists

Can you comment on the freedom of the press in Bangladesh?

This is not too bad but the Government does have influence and control. There are some incidents that indicate that. Members of the ruling party own some TV

channels. The Prime Minister's Information Adviser has his own channel for example. Political groups are divided and the Government can do many things. However, officially newspapers are neutral and report equally – importance should be given to everybody. Balance is needed.

There was a recent circular by the Foreign Ministry that Bangladeshi journalists abroad should be monitored by the Bangladeshi Consular.

[Comment]

After the assassination attempt on the Prime Minister's son a person was arrested, but this has now been withdrawn.

Do the Bangladeshi authorities have the capacity to monitor online activity?

Yes

[Comment]

Mr X [present at the meeting, indicated] was arrested by law enforcement in 2007. He was freed after seven months, but he lost many things. It was a mysterious case, we did not know why he was arrested. We couldn't get behind it – the forces were too regimented. He was blindfolded and tortured in a RAB camp in Sylhet, then handed over to the police twenty-six hours later, and then jailed for five months. He still suffers physical trouble from the torture. He returned home after a short trip to England a day ahead of the expiry of his visa. People requested to him that he apply in England for political asylum but he did not do so because he did not consider himself guilty of anything in Bangladesh. He was General-Secretary of the Sylhet Press Club and later barred from his profession. Law enforcement compelled the paper, the Sylhet Protidin (which means 'Sylhet Daily'), to shut down. This was in 2007, when the government was run by the military. His arrest was a message to media people.

Do similar incidents still occur?

There are few. A minority man was also a veteran journalist from Faridpur district and was arrested on 16 August 2015 and detained. However, he was freed after days on bail after the journalist community as well as human rights activists and civil society all over the country raised strong protests and took to the street. The police can do many things despite Bangladesh being a 'functional' democracy.

Meeting with lawyers, 21 May 2017

Judiciary

There is no witness protection programme, but if a witness receives a threat (and reports it), the police may record this in the general diary, which is considered enough. Investigation of the allegation / threat may follow, but the procedure is long and tough. There is no protection programme in Bangladesh. There are no protection measures.

If the Court requires a reluctant witness to attend Court to give essential evidence, there is provision for the Court to sanction an amount to go towards the witness' travel expenses (the amount would not cover the whole expense). But it takes a long

time to get the payment, which sometimes comes from the defendant or the victim depending on the circumstances of the case.

The lawyers decided on balance that Bangladesh needed a witness protection scheme, particularly in regard of the recent trial concerning the attempted murder of an MP's son, when some witnesses were too scared to attend Court to give evidence.

It was reported in the media last year (2016) that only half of witnesses went to court; the rest were too afraid to attend.

There is sometimes a shortfall in police conduct as some will not pursue an investigation if there is no hope of a bribe. Cases of intimidation may also not be followed up for political reasons.

Legal Aid

Legal Aid is used to look mostly into family and criminal matters. Eligibility criteria depends on the person's wage and differs according to the organisation. NGOs provide legal aid for the poor and underprivileged; the government Legal Aid scheme is available to people earning up to a set (unknown) amount.

There are two types of Legal Aid: that provided by the Government; and that provided by NGOs.

The type of Legal Aid provided varies in different regions. For example in Sylhet, Legal Aid is provided by the NGO Bangladesh Legal Aid and Services Trust (BLAST).

Legal Aid is under used – for example, in Sylhet jail there are many people detained who do not have Legal Aid, but at the Legal Aid office there is a lot of unallocated funding. There is no coordination between the Legal Aid Office and those who require Legal Aid. There is more coordination between NGOs and those in need.

Some people just do not realise they could get Legal Aid and use the first lawyer who shows an interest in their case. The Court can however make a direction for a person to have Legal Aid.

If a person is charged with a capital offence, i.e. one that carries the death sentence, and is in need of legal support, the Court will make a direction for 'State Defence'.

Corruption in the judiciary

As far back as 1860 when the Penal Code was enacted, there has been bribery in the judiciary. Punishments for corruption by public servants are referred to in Sections 161 and 162 of the Penal Code. In the English-Bangla dictionary, to 'bribe a judge' was used as a definition under the word 'bribe', thus indicating the bribing of judges is very much part of the culture. Bribery is just part of the judiciary, it has always been there.

In 2007, the caretaker government separated the judiciary from the executive.

There are not many allegations of corruption of the judiciary in Sylhet because there is no High Court there. The Judicial Service Commission (JSC) now recruits judicial officials, which has had a good impact against corruption. The corruption of judges is more prevalent in the upper judiciary, for example in Dhaka where there is a High Court.

Corruption is negligible amongst district judges. For example, in Sylhet perhaps one in ten will take a bribe. But amongst High Court judges in Dhaka corruption is rampant. It is necessary to bribe a judge to get a case resolved. High Court Judges and above are the worst for corruption.

It is also necessary to bribe court bench clerks – who are responsible for court documentation and assisting judges – to get the documents necessary for a case. The going rate for a bribe is a minimum of 200 taka. Clerks may deal with 20 or so cases a day, exacting a bribe each time. Clerks also receive a salary.

Clerks also issue bail bonds, and those granted bail are likely to have to pay an additional 1000 taka for one of these.

Even though public servants' wages have increased it was the opinion of the lawyers that the level of corruption had not diminished. They concluded the issue of corruption to be so deep rooted that nothing was going to change it.

The Special Powers Act

The Special Powers Act 1974 is still in effect, still law and still being used. All parties promised to repeal the Act if they came into power, but never did.

Shalish

Shalish [a system of informal adjudication] is overseen by the headman of the village who decides justice. However, making a decision is affected by other members of the community, which has created a backlog. It is not effective.

Generally Shalish deals with issues such as:

- land disputes
- family issues
- financial issues; for example bounced cheques

Alternative Dispute Resolution (ADR)

ADR is an alternative method of resolving disputes by mediation, with the aim of reducing the court backlog. This is a type of Shalish.

In traditional Bangladesh society (and the same in India) there was traditional Shalish, and the public had 80-90 per cent faith in it.

Procedural law excluded Shalish from civil law, but now there are efforts to reintroduce the concept of Shalish by way of mediation. Some NGOs such as BLAST and others have been doing a kind of Shalish, using mediation to resolve some disputes; some people have confidence in it. BLAST has been a pioneer in introducing Shalish as an ADR. Both parties are given a particular date to attend mediation (and second/third dates if the first ones do not work out). BLAST or the NGOs involved in this work are training up mediators to take on the role traditionally carried out by elders.

Court judges who arrange ADR mediation will get a 'promotion point' if an agreement is reached (without the need to go to court) as this helps reduce the backlog of court cases.

In criminal matters, for example, murder or forgery, all offences are non-compoundable and cannot be tried by Shalish. This is set out in Schedule 5 of the Criminal Procedure Code. Civil cases are compoundable.

Village Courts

In the lawyer's opinion, Village Courts are a good conception, but are not effective, or fully accepted in Bangladesh. The government introduced a pilot project to start Village Courts in certain places; but they are otherwise ineffective. The Village Court Act necessitates a formal structure of an elected chairman and two others. There is no Village Court in Sylhet.

LGBT

Are LGBT people able to claim protection from the police?

The lawyers responded that LGBT is not a big issue in Bangladesh because it is not recognised or talked about. Bangladesh is a religious society, the issue is not recognised, they are ignored, they have no rights, although they had heard that some LGBT persons had claimed asylum in other countries.

Section 377 of the Penal Code criminalises LGBT sexual acts, but the police do not look into LGBT issues much.

Transgender

Hijras (who are transgender) carry out extortion in Dhaka and Sylhet. People are scared of them – they go from door to door or stop cars to get money. The Government has no plans for them, there is no livelihood programme for them, as there is in India. Provision for them may not have been incorporated into the Constitution; it needs to be amended.

Livelihood training is required for transgenders because they are neither male nor female so finding work for them is very difficult. Jobs in Bangladesh are divided quite particularly between men and women. For example, men do operational work in factories and may be factory managers, but there would never be a female factory manager. Women on the other hand make garments and are labourers.

Sometimes gay men or hijras are arrested under Section 54 – without a warrant for creating a public nuisance. They would receive a fine rather than a prison sentence. It is not applied disproportionately to gay people.

Gender Based Violence (GBV)

Any women victims of GBV may be admitted to a government administered centre in hospitals known as One Stop Crisis Centres (OSCS), where they will receive help from police and female lawyers who are specifically employed at the Centres. However, there is no mechanism to call the police to report a crime; the woman must attend hospital and will then be referred to the Crisis Centre.

After the woman's treatment begins, the case is sent to the police station to begin legal proceedings, when a First Information Report (FIR) is made.

There are Centres in all districts, but there should be more.

Women who attend hospital for GBV injury treatment will be referred to a Crisis Centre. Women may also be taken direct to a Crisis Centre, but there are a lot of women who don't know about the Centres.

Women may face problems reporting an incident of GBV at a police station. Some officers refuse to take GBV cases, others may have been bribed by the perpetrator, so the case is not accepted. However, there is a case in progress dealing with charges brought for bribery in such an incident.

If a woman is unable to report her case at a police station, it may be an option to file a complaint to the Family Courts. Media focus may also lead to something being done about a case which is not progressing. If a woman does not wish to file a case, and can access a lawyer, the lawyer may file the case on her behalf.

Women who attend hospital following GBV will have their injuries recorded by a doctor. This medical evidence is required in Court.

If a woman does not wish to file a case, the Crisis Centre cannot help, but there is a legal requirement for crimes to be reported. One Stop Crisis Centres only offer assistance to women who have suffered GBV who wish to file a legal case.

Non-payment of a dowry could be a reason for GBV. There may be pressure from the husband's family for a woman to pay a dowry before the wedding will go ahead. Dowry amounts could vary between 50,000 taka and 500,000 taka. Sometimes the amount demanded isn't affordable by the bride's family but that tends to be the usual amount while demanding dowry. This may also be a reason for some suicides.

Some men may marry 2-3 times, although the permission of the wife is required for a man to take more than one wife.

Political issues

The constitution allows for freedom of speech and gathering, but some public gatherings are prohibited; if an opposition party wants a rally they must seek permission from the police (though this is not written in the constitution). If they don't get permission it would be considered a public order matter. Curbing rallies or meetings strips the opposition from participating in the democratic process.

The Islami Chattra Shibir face restrictions and are strictly prohibited from participating in rallies openly. So they organise indoor rallies. This is not a problem – permission can be obtained from the Administrative Court or the police.

This applies particularly to student wings, Jamaat and the BNP. Jamaat is strictly restricted but not banned; the BNP often conducts indoor rallies. The requirement to seek permission to gather follows the violence of 2014.

Court summons/arrest warrants

Court summons and arrest warrants are issued by the Court to the police, in the name of the accused, they are not delivered to the family per se. The following procedure is applied: the court summons/arrest warrant is given directly to the accused, failing that it is given to the male adult head of the family. If this is not possible, it will be posted in a public place and finally, will be placed in a national daily newspaper – twice.

It is possible for the accused or a lawyer to obtain a 'state' copy of a court summons/arrest warrant, from the court clerk at a cost of 200-500 taka.

Power of Attorney is applicable only in civil cases. In criminal cases, if the accused or the defendant resides outside the country, then a summon or warrant can be issued in the foreign address where the accused or defendant resides. Also, the summon can be executed through the foreign court via the foreign jurisdiction of that particular country, according to Section 93B of the Criminal Procedure Code.

It is feasible that a court summons or arrest warrant could be forged, but newspapers are very tough and forged summons/warrants appearing in newspapers rarely happens. Newspapers publish summons as the last resort if other mediums have been ineffective, so forging summons and publishing in a newspaper without an authentic source is difficult.

Meeting with a source, 21 May 2017

What is the size of the police force in Bangladesh?

The source stated that there were approximately 170,000 police personnel across Bangladesh but was unable to provide an exact figure on the number of police in urban and rural areas. He stated that the Dhaka Metropolitan police were largest in number, and estimated 30,000 police personnel. The source added that he was in charge of 4 districts in Sylhet and that there were 7,500 personnel across those districts.

What is the status of the police national computer?

The source stated that there was no police intranet in Sylhet and that the police used commercial websites such as Yahoo or Google. He added that the Dhaka Metropolitan Police have systems although they are not interlinked with other districts.

He stated that the police communication process was ongoing but most electronic communication was made through radio, faxes and email, or encrypted messages through Messenger.

The source said that they have an electronic fingerprint database but this is not synchronised with other police stations. The Criminal Investigation Department (CID) disseminates information to other police units giving local police units an opportunity to compare information.

The police maintain a database of arrest warrants and court summons, both electronically and manually.

Do the police have links with the Immigration Police?

The source responded that yes, if a person was wanted they would alert immigration so that they would be aware if that person attempted to leave the country. The source indicated that if a person was wanted for a crime the information would be disseminated nationally and to immigration. This would apply to any criminal.

Do the police have the capability to monitor online activity/mobile phone communication? Would anyone be monitored or just suspected terrorists or high profile criminals?

Internet monitoring capabilities are limited and not as good as the UK, but the police can monitor mobile phone communications anywhere in the country. Different police units deal with monitoring within their jurisdiction and a legal process is followed for such surveillance. The source added that the police would not interfere with public privacy but if a person was suspected of committing an offence they may be put under surveillance. He said that there were quite a large number of criminal gangs under surveillance.

Does a person have to report a crime within the jurisdiction of where the crime occurred?

The source said that a person could make a police report outside the jurisdiction of the crime but it is preferable to report to your local police. If a crime was reported at another police station they would communicate with the police where the reported incident occurred. Typically a report would be filed locally.

Are there disciplinary procedures for police officers?

Yes, the police follow a Code of Conduct. There are mechanisms in place for victims of police abuse; internal, judicial, open investigations take place. The same mechanisms are in place for the Rapid Action Battalion (RAB).

What are the procedures for arrest?

An arrested person must be brought before the magistrate within 24 hours of their arrest and a police report must be submitted to the court to justify why a person is being held. If the police wish to hold a person longer than 24 hours, for further investigation, this must be approved by the court, and a report submitted to the Ministry of Interior.

What is the police relationship with the RAB?

The RAB are part of the police force and they have similar branches, for example, an investigation branch. They are answerable to the same bodies as the police and come under the Ministry of Interior.

The RAB have different resources to the police. For example, they have more officers than the police and less constables. They also have better logistical support and better equipment, but similar responsibilities. RAB resources are better in the cities as opposed to rural areas. In very rural areas crime rates are less and the community tends to sort out problems themselves without police intervention. Police stations in rural areas may be further away from some communities but road conditions are good and rural communities can be reached quickly. For example an urban journey of 10-15km may take 30 minutes, whereas the same distance in a rural area can be covered in 15 minutes.

There is no national police emergency phone number. It is only the Dhaka Metropolitan police that have an emergency number – 999. But local police stations display their local phone numbers in the community. The police also have a phone app and a website, which provides contact information.

Are forged or fraudulent police documents easily available?

The source did not think this was the case. He stated that all documents are written manually and require a signature and counter-signature so the ability to forge these is difficult. The same applied to court documents. The source did not believe these could be forged. He said that all documents contain the signing authority's contact details so it would be easy to check if a document was forged. There is a computerised and manual record of police documents. Equally, contact details on the Police website enable someone to check the validity of police documents. The source stated that arrest warrants and court summons would only be issued to the person responsible for committing the crime. He indicated that the police would not attend the address of a wanted person's family for fear the family would "tip off" the wanted person thus allowing them the opportunity to escape.

Are there problems between different political party supporters?

Yes, there is much political rivalry here. If a protest or demonstration is taking place between political rivals the police would first attempt to disperse the groups peacefully. However, if people became hostile and there was a threat to life, or criminal damage was caused, they would be arrested. In 2013/14 much violence took place, such as torching shops and bakeries, so police action had to be taken. Arrests are only made when crimes have been committed.

The source, having experience election-related violence in the past, could not rule out that violence might occur in the run-up to the next general elections.

Are there tensions between religious minorities?

The source said that there was religious harmony across Bangladesh. He said different religious groups attend each other's functions and ceremonies. If a dispute occurs between people of different faiths it is usually for a personal, e.g. land dispute, rather than a religious reason. Such disputes are mostly resolved within the community or, in rural areas, by Shalish. Irrespective of the problem, be it political or religious, the community will try and resolve it.

Inter-religious marriage is common and not an issue.

In Sylhet the biggest problem is land disputes, followed by rape cases, then financial disputes. In April 2017, out of a total of 744 cases registered in the 4 districts overseen by the source, 391 related to land and 59 to rape.

It can take many years, often generations, to resolve land disputes through the civil courts and, because of this, criminal activities often start. The police have some special officers who may attempt mediation but this does not always work. Shalish have little control or input. If one party thinks they are being deprived of their land things can get difficult. Civil courts are dominated by land disputes. Land disputes are worse during plantation and harvest times.

Prisons/detention

There are 4 prisons in Sylhet. Each police station has a cell for men, and one for women. Children would be kept separate – in the officer's room.

The source provided a copy of an arrest warrant, which is cream in colour.

Meeting with M Asaduzzaman Sayem, Executive Director of UK Bangladesh Education Trust (UKBET), 21 May 2017

Overview

Can you give an overview of the work you and your organisation do?

The UK Bangladesh Education Trust, or UKBET, has worked in Sylhet since 1993. We are a UK-registered charity and in Bangladesh we are recognised as an international NGO. The Principal of Tower Hamlets College is our Chair. Between 1993 and 2003 we focused on one issue – teacher training, especially at secondary level. We have trained almost 3,500 teachers.

In 2013 we changed strategy. We still do teacher training, but we now also work with children. The Bangladesh government has declared certain types of work as 'hazardous'. Under-18s are prohibited from working in certain types of employment, but it still goes on. We work with children who work in these types of jobs, helping with literacy, numeracy, life skills, working to make the workplace safer and more conducive, raising awareness of child labour issues and also working with families so that any further child can avoid these types of employment. We work with families so they don't have to send their children to work. So it is a holistic project.

We also work on environmental education. Bangladesh is one of the most vulnerable countries in the world to environmental degradation and climate change. We raise awareness about these issues and work with different stakeholders. We have a Board of Trustees based in London – there are three British nationals and three Bangladeshis on the Board. I look after the operation in Bangladesh.

You mention that some work is considered 'hazardous'. What type of work is this?

The Government has declared 38 different types of work as 'hazardous'. These include things like the automotive industry, steel manufacturing, cigarette-making factories, battery emptying and so on. It is illegal for someone under 18 to work in these jobs and it is illegal to employ anyone under the age of 14. The Government is cooperating in eliminating child labour. It is positive. However, it is a difficult job and is not just the job of one NGO, or all NGOs – it requires new laws, new policies. We work closely with the Government and have found them supportive.

Have you had any input into the development of new laws?

UKBET is an associate of the Bangladesh Child Rights Forum, which is also supported by DFID, which inputs into draft laws.

Can you comment some more about Bangladeshi family life to explain why children have to work?

Not all children work, it is those in ultra-poor conditions, those in extreme hardship. We have done research into hazardous child conditions, working with a local university. It is not just a question of poverty though; the main reason is school drop-out rates. The education system in this country is not adequate by itself. Everybody needs support at home as well. For families who cannot provide this, who cannot afford home tuition for example, we see that children will not pass exams and therefore they lose interest in education and drop out, even though the education provided by the state is free.

Education

Is the Government looking to improve education?

The Government is trying but education is still not up to the mark. In rural areas in Sylhet for example, class sizes are too high; there are 70, 80, 90 children for every teacher. It is impossible to give a quality education with these kinds of numbers. We need more schools.

To what age is education free up to?

Education is free up to 8th grade, which is 13 or 14 years of age. For girls it is free up to GCSE level, what we call the SSC. There has been a significant improvement in girls' education. We find that girls are far more advanced than boys in the slum areas. However, overall while the quantity of education is increasing, the quality is deteriorating. This is alarming for the future of our country. There are many private universities – they are mushrooming. I call them factories for reducing unemployment. But people lack skills to get a job. We need more people who take vocational training. There are people with BAs who do not want to take certain types of job. We provide vocational training and apprenticeships at UKBET, accommodating two students every six months to do a stint with the organisation.

Does the Government have an education reform programme?

Yes, but it is not working at grassroots level. Education has changed. The focus used to be on memorisation, now it is about creativity. But at the end of the day it is not working practically. The quality is alarming. The quality of the teachers is alarming too. For example, we worked with a European Commission project, which was also funded by the UK Home Office, to build local capability. This was because of the changes in spousal visa requirements for mandatory English speaking. South Bank University was also involved in the project. Many teachers have been trained to teach English. However, in an assessment of 50 teachers for the programme, not one teacher was considered good enough to participate in the course. Their English was too poor, and these were meant to be teachers of English!

Have you observed a rise in madrassas in the country?

Madrassas are everywhere, yes. But there is no rise in them or in radicalisation. There is propaganda about these people. I do not find them arrogant – I actually find them polite and peace-loving. There are two types of madrassas in this country: one, the government-appointed ones; and two, those which do not follow the government syllabus, who are affiliated with a madrassa body. It is allowed by the law. The Government is doing an excellent job in regulating the madrassas. There is strict monitoring of them.

Women

Do you work with single women and single women with children?

We see families where the mother is divorced or the father has died – this is one reason for poverty and child labour, as the mother cannot then afford things for her children. However, single mothers, those with a child before marriage, are extremely rare. It is a conservative society.

Is there Government support for divorcees/single mothers?

There are a lot of financial supporting systems, but they are inadequate. The Government has strict laws for protecting women from gender based violence.

Are these laws enforced?

Yes, they are. The socio-economic context also explains why women are not encouraged to take the shelter of law. Women in the Islamic areas of Sylhet who were tortured by their husbands objected to the law being applied to their husbands. They thought 'what would happen if they divorced me?' There is no initiative that will prevent these things from taking place. There is no social security system in place that can protect the woman.

Can you comment on a single woman's ability to travel?

It is sometimes possible but it is almost impossible because of the social context. It is also because of the religious context – such a thing is discouraged from a religious and cultural point of view.

Is this the same for women from religious minority communities such as Hindus and Christians?

Yes. It is social and cultural. The police are very supportive of women though – there are very strict laws in place. There is corruption but the situation is improving. The Government is trying a lot. The attitude of government employees is also changing. They now try to cooperate and communicate. They come to us. This was not the case 8-10 years ago. But corruption is so deep-rooted so it is still there. The Government knows this as well, but it is trying. There have been Government initiatives, such as doubling the salary of workers. Talented people are now encouraged and motivated to join government jobs. The pay is up to standard, there are good facilities. It is a positive sign. Corruption is so deep-rooted though that a revolutionary change is required to uproot it, very strict action is needed. It will be a long process – it won't take 3, 4, 5 years.

Land disputes

Can you comment on land disputes?

From work I have no insight about these but personally I know that there are a lot of these disputes. But the Government are taking lots of positive steps, such as the digitisation of the land registration system and improvement in mapping. This has helped a lot to manage these things. British Bangladeshis know of these disputes. My chairman and I had a meeting with the British High Commission where this issue was raised. Many British Bangladeshis appeal to the British High Commission to resolve disputes. Money from the UK is sent back and used in Bangladesh to purchase land. Those using the land think it is theirs and object when it is sold. I do not see any British Bangladeshi without this problem. There are disputes within families, between close relatives. My father's cousin sold all his land for 10 per cent of its value. The real-estate price in Sylhet has dropped significantly. British Bangladeshis are losing interest in investing in Bangladesh. But Bangladesh's economy is growing significantly. However, in Sylhet I see a reduction in the number of people migrating to the UK. 80 per cent of my friends migrated to the UK but now the percentage is reducing. We can retain our talent. I also see that marriage

between British Bangladeshis and Sylhetis is not happening as it used to. It only happens now in the rural areas.

There has been an impact on migration in Sylhet?

Yes. I don't know the migration statistics but I can see a significant drop in migration. Even visits to Sylhet from British Bangladeshis are going down. This may have something to do with the visas; about 60-70 per cent of visas are refused. The visa application office has also moved to India.

So people are not coming back to Sylhet?

No. It is partly because of land disputes. It is also because of the gaps in time and links with the country. Relatives love to come back here but not for a long time. After two or three weeks they are impatient to return to the UK.

Other

[Comment]

Bangladesh's economy has improved; we have done well in meeting Millennium Development Goals, although more improvement is needed. We also need more environmental preservation. There are only two NGOs who are concerned with the environment. This is not adequate.

Do people in Sylhet speak Bangla or Sylheti?

Sylheti is a regional dialect of Bangla.

Meeting with National Human Rights Commission Bangladesh (NHRC, B), 22 May 2017

LGBT rights

An official from the National Human Rights Commission (NHRC official) stated there were different categories of LGBT persons in Bangladesh, some of whom are referred to in a derogatory manner under Article 377 of the Bangladesh Penal Code. Some terms describe 'hijras' or transgender/transsexual people as unable to perform in heterosexual relationships, or as being disabled in the function of normal sexual relationships. The term 'jouno bikolango' is used to describe a person who is sexually disabled. The term was originally meant for transgender/transsexual people/'hijras' but the Government has now recognised the term 'hijra' so there is an opinion to revise the term meaning sexually disabled from the law. The terms gay and lesbian are also known and used.

The NHRC official said that whilst hijras were acknowledged in the social system they were also seen as outcasts and viewed as needing charity. Traditionally hijras live in communities and have social networks amongst each other. Some allowances are made by society towards hijras, for example, in rural areas a hijra could pick up vegetables from a market and the vendor would ignore this and not view it as theft, but as charity. In urban areas hijras go around shopping malls and ask for donations.

Hijras have become more recognised in society, and although an Executive Order states they are recognised as a third gender, this recognition has not been enacted in law. For example, if applying for a passport a hijra can choose the option 'Other'

as opposed to 'Male' or 'Female' but if their birth name, which might be male, does not match their female hijra name, this can cause difficulties. Some hijras may have grown up as male, gone to school as male, so all their official documentation is in their birth (male) name so applying for documentation in a new female name is difficult.

If a hijra wants to change their name on documentation they are forced to undergo a physical examination, which can be humiliating and an invasion of privacy. Whilst the law may wish to define hijras as having physical differences, many hijras see it as more psychological.

Gay men, lesbians and men who have sex with men (MSM) are not considered hijras. Hijras could be described as a subset of transgender, but there are some transgender people who are not hijras. It was the NHRC official's view that gay men may be charged under Section 377 of the Penal Code. However, the NHRC official added that it was not an usual practice to be charged under Section 377. Rather gay men would more than likely face charges under other laws. For example, in a recent raid on a private gathering of gay men in Dhaka, which led to 28 arrests, the men were charged with possession of drugs. Details of these men also appeared in the media; they were cited as being gay and thus could face family and societal backlash.

Gay rights activists and bloggers are more endangered due to religious extremism. Two or more Hijras and two gay rights activists have been targeted.

Gay men and lesbians would not be able to live openly, though may be able to come out to close family and friends, particularly in more upper-middle class families. The NHRC official gave an example of a young man who came out as gay to his younger, more religious brother. The brother did not object to his older brother's sexuality though admitted he might need a few days to get used to it. So in some families the situation can become normal. In others, LGBT persons may be thrown out.

Generally the lives of LGBT persons are private. In the last 5-6 years there has been a rise in online activism both in urban and rural areas – not just city-based – and this rise is nationwide. Many LGBT persons feel trapped having grown up in a particular society, in a particular way. Small, informal gatherings are more prevalent. LGBT issues are seen as a recent phenomenon and are not openly discussed.

It was the NHRC official's view that if a lesbian came out to her family she would most likely be forced to have a heterosexual marriage. It is something that happens all the time.

As regard to men who have sex with men (MSM), the NHRC official said that the term MSM was coined by development agencies rather than by MSM themselves, and that MSM preceded the consolidation of the LGBT movement in Bangladesh. MSM and sex workers have been brought into the public sphere due to HIV protection programmes. Many health programmes cater for MSM. Most MSM are left to their own devices. However, the subscription to HIV treatments has declined as MSM do not want to be seen visiting HIV clinics for fear of being the target of extremists.

The NHRC official had not heard of MSM being forced into marriage and thought that if a man chose to marry and continued having sexual relations with other men this would be more acceptable than a woman committing adultery. Some MSM may

consider themselves bisexual, some may identify as homosexual, and there is some overlap with the third gender.

When asked how a gay man or lesbian would be treated by the police, the NHRC official said that if an LGBT person had to report a crime, they would not identify themselves as LGBT to the police. However, if they were identified, the NHRC official thought they might face custodial torture. Hijras cannot hide their appearance.

It was the view of the NHRC official that a gay man or woman could rent a property with a member of the same sex, as long as they did not identify as gay. It would be harder for a heterosexual unmarried couple to rent a property than 2 members of the same sex.

In Bangladesh it is acceptable, and common place, for 'straight' men to be seen holding hands.

The NHRC official was not aware if doctors were prohibited from performing gender reassignment surgery. However, when working with hijras about 8 years ago, the NHRC found 8 illegal clinics, in the western border area, were operating and offering castration. The NHRC official was not aware of any gender-reassignment clinics.

Women

Honour crimes

The NHRC official stated that honour crimes were not committed in Bangladesh in the same sense that they were in Pakistan or India. If a Bangladeshi girl/woman brings shame on her family she might face exclusion and ostracism from family and society. In some cases this might drive the woman to suicide. The NHRC official had not heard of acid attacks against women by immediate family members; such attacks, which have decreased in number, usually took place in public places as a form of heterosexual violence. A public movement against such attacks and acid being less easy to obtain has led to the decrease.

Support for victims of gender based violence (GBV)

The NHRC official stated that people who were aware of the law could file charges against the perpetrator but social stigma often prevents many women from seeking help. The NHRC official had experience of taking women – who wanted to leave their homes – to the police to record a General Diary (GD) note regarding this. However, the NHRC official stated that, in a patriarchal society, the police do not always wish to take this on and would call the woman's husband, father, brother or other members of family, asking them if they wanted to take the woman back home. Some police may take on a case at the behest of human rights organisations. Women's rights become submerged beneath religious and social norms.

The NHRC official said there were women's shelters in Bangladesh but did not know how many. Most were run by NGOs, some were private and there was a government shelter run by the Ministry of Women and Children Affairs. However, shelters were not sufficiently widespread across Bangladesh. The NHRC official also said that if women went to shelters away from their communities they would find it difficult to reintegrate back into those communities due to social stigma. One Stop Crisis Centres (OSCC), which support victims of gender based violence (GBV), were in all divisional towns.

The NHRC official said that the police were given training on GBV by UN agencies and the National Human Rights Commission. The numbers of women police officers had increased.

The NHRC official stated that women's rights had become a more vibrant movement in society; they were in a more advanced position than LGBT or refugee rights. However, rights of women in law might give more equality but personal laws do not reflect this. Women are not equal in social status or in entitlements e.g. right to property.

It would not be easy for a young single woman to relocate or live alone without a good family support base. It would not be usual or seen as normal for a woman to live alone. Some professional affluent women might be able to do this but would still face harassment – even older single women. Renting a property alone would be difficult. Employment would be accessible to single women but mostly available to those from middle classes with access to family support.

Single women from poor backgrounds would be destitute. Marriage is seen as the main source of social acceptance. To have a child outside of marriage would be unacceptable to family and society.

The NHRC official indicated that forced marriage is very common. Several districts in Bangladesh are popularly considered to be very conservative, for example Sylhet, Noakhali and Chittagong. Though also cultural, forced marriage is particularly high amongst Muslim families. Some elite and highly respected families are more closeted in their views of the women in their family. An indicator of a more religiously conservative area would be seeing less women working in fields, for example, as families would rather keep their women were indoors. The NHRC official did not have statistics on the number of forced marriages.

The Child Marriage Restraint Law states girls can marry at 18 and boys at 21, although recently the Government has introduced a much debated amendment where under 'unusual' circumstances, girls can get married before 18. However, there is a high rate of early marriage (girls aged 14-16 years old). Hindu families may decide who their child will marry when they are babies, which is a kind of forced marriage. Whilst it is possible to 'opt-out' of such marriages the person would also be 'opting-out' of their family and inheritance. The child marriage law is not properly enforced. Some families might falsify a girl's age to register a marriage. Marriages between Rohingyas and Bangladeshis were often not formally registered (the infamous 'white paper' marriages) and now such marriages are prohibited. A white paper could be purchased for 5 taka, whereas the Notary paper, required to register a marriage but not a viable document, cost 200-300 taka. Some marriages are not registered if they take place without consent of the family. Sex before marriage is not illegal but is particularly frowned upon for women.

Only women 'can commit' adultery – not men; they are permitted several partners.

Rohingya

An official from the NHRC went to Cox's Bazar and heard tragic stories from Rohingyas who had crossed the Burma/Bangladesh border, which the NHRC described as "nothing short of genocide". The NHRC worked in the official UNHCR camps between 2011 and 2013.

The NHRC official stated that a census of “undocumented Myanmar nationals” was conducted in 2016 but was yet to be published. However, it was estimated there were around 500,000 Rohingya in Bangladesh.

In a survey conducted by Research Initiatives, Bangladesh of 600 Rohingya, 13 per cent had intermarried with Bangladeshis (mostly Rohingya women marrying Bangladeshi men).

The plan to relocate Rohingyas to a more remote area [Thengar Char island] was recently revived; perhaps as an attempt to stem the flow of refugees. However this was strongly condemned by NGOs and international stakeholders as not being a viable option so the plan was shelved.

The Bangladesh authorities and society viewed Rohingyas as harbouring extremists. However, the NHRC official had not seen evidence of extremism amongst the Rohingya and stated that they were no more driven to extremism than a Bangladeshi national might be. The official added that the Rohingya observed more conservative Islamic practices.

The NHRC official indicated that Rohingyas were subject to human and drug trafficking and that boat trafficking had become a racket used by some Rohingyas. However, trafficking in Cox’s Bazar had visibly reduced. Trafficking of the drug Yaba, which is produced in Myanmar, had increased and most carriers were Rohingya women (children and babies). Yaba was also considered to be a cause for a rise in gender based violence amongst the Rohingya community.

Local Bangladeshis and Rohingyas were said to collude with each other in the trafficking trade. Views of anti-Rohingya sentiment were increasing as the population expanded onto prime land. The official said that the Burma-Bangladesh border was very porous, whilst adding that there was a large electric fence along the land border.

In terms of whether any Rohingya documentation might be used by a Bangladeshi to claim asylum abroad the NHRC official stated, for example, that if a Bangladeshi in Malaysia held documentation stating they were Rohingya it would prevent their deportation. The official added that only UNHCR camp officials would have access to Rohingya documentation and although she had not heard of a market in trading such documents that wasn’t to say that it didn’t happen.

The NHRC official said that the Rohingya language was comparable with Chittagonian though certain words might be different. The official knew of a Bangladeshi who had travelled to Malaysia illegally and took a Rohingya language test, which he passed, and was then issued with Rohingya documentation. The official also stated that a written script of the Rohingya language was evolving.

Minority religious groups

The NHRC official said she had little knowledge of the position of Ahmadis in Bangladesh but said they were not accepted by the Sunni Muslim majority.

The official said that the largest minority group – Hindus – always felt the brunt of any attacks because of their link to India and the anti-India sentiment in Bangladesh. Some Hindus were seen as agents of India.

Traditionally Hindus have voted for the Awami League (AL) and may be adversely viewed by the opposition; however, it was a ‘double-edged sword’ as Bangladesh

Nationalist Party (BNP) losing candidates would blame minorities for not voting for them, and AL losing candidates would blame them for not turning up enough votes for them.

Considerable amount of land is still owned by Hindus in rural areas and they are subject to land disputes and land grabbing. The official said Hindu students were discriminated against in exams, particularly oral exams, where they generally scored less than Muslims. According to the official, the overall percentage of oral exam marks had been raised putting Hindus at a disadvantage. This information about the raise in marks was obtained through a Right to Information request.

The official said that hate speech against Islam on Facebook was blamed on Hindus/Buddhists resulting in further hatred against Hindus and Buddhists. Hindus were the most vulnerable religious group.

Regarding Buddhists, the official said they were becoming political targets and that some Buddhist temples in Chittagong had been attacked with the blame put on Rohingyas. The official felt that Buddhists felt protected by their support base in South-East Asia, and Christians by the West.

In general, the official thought people would not admit to being atheists or agnostics particularly after the 1980s. The official said that there was a backlash against secularist bloggers by the group Hefazat-e-Islam. Those who were identified as secularist received crank calls and threats.

The official said that the older generation of Biharis that didn't get Bangladeshi citizenship were dying out but the younger generation had citizenship though still faced problems, e.g. when applying for passports. Some Biharis would face difficulties in renting a room because they speak Urdu. Technically, Biharis can access education and employment but may still face discrimination due to the social stigma against them.

Members of the indigenous community faced much land grabbing because they were not recognised as indigenous.

Meeting with a human rights organisation, 23 May 2017

Can you provide an overview about your organisation and the work you do?

We are a voluntary organisation. Under the present government NGOs are largely and effectively controlled by the government. Very few organisations dare to take the risk to document and campaign about the ongoing repressive situation. We document the incidents of enforced disappearances, extra-judicial killings, custodial torture, freedom of expression, association and assembly, situation of human rights defenders, situation of ethnic, religious and linguistic minorities and the incidents of repression on women. We regularly produce monthly human rights monitoring reports covering the abuses across the country. We get this information from the media and also from our grassroots level human rights defenders. We verify the gathered information if not in all the incidents but as much as we can, especially those we collect. Most likely we are underreporting the situation. We scan only six newspapers for reports and our human rights defenders also send information from the rural areas; however, many more information remain unreported. Our website and Facebook are regularly updated.

There are two things we don't do due to the possible reprisals: one, we don't publically criticise the judiciary; and two, we don't publicly criticise the Prime Minister and her family members. We concentrate mainly on enforced disappearances, EJKs, freedom of expression, treatment of those in custody, women – issues such as acid attacks, rapes, dowries, stalking and child marriage – Rohingya, Urdu-speaking people, and ethnic, religious and linguistic minority rights.

Police

What is the status of the national police computer? Is there viable communication between police in different parts of the country?

I do not think that they have effectively developed this but the police/ RAB have sophisticated surveillance mechanisms. They are able to do this centrally. They can detect and detain people, for example the people who use Facebook. They are also able to use the Information and Communication Technology Act (ICT Act). They also use the Special Powers Act of 1974. So, they have various technologies but I do not think that they have a computer network. The present government's fight against terrorism is just another government narrative, which the general people do not believe.

Government party activists are also vigilant and they work with the police. Many police officers have been recruited from the Prime Minister's home district Gopalganj. Government sponsored vigilante group work as shadow law enforcement agency to attack pro-opposition groups and other independent entities. Legal recourse is not generally available – there is no functional justice delivery mechanism. There are organisations such as the National Human Rights Commission but they are like puppets. Bangladesh's situation is catastrophic. This is why many Bangladeshis are now trying to get inside Europe in illegal ways. Law enforcement agencies are suppressing dissenting voices. In the name of combating extremism poor people in the villages have been targeted. Young people are under surveillance. For example, recently in Narshindi district, students in a house school were encircled by the Rapid Action Battalion. The students posted messages onto Facebook to say they were pro-Awami League and asking for the Prime Minister's help. So there was an outcry about this. However, newspapers only put out the narratives supplied by the law enforcement agencies. Two of these people from Narshindi were detained under the Anti-Terrorism Act; some have now returned to their families. There is no trust in law enforcement.

You may also have heard about the Swedish Radio report on the RAB?

Is this the report of a RAB commander who said that it was acceptable to kill people and plant weapons on them?

Yes.

I must also say that it is important that the UK revises its policy, the high level officials at the Home and Foreign Office of the UK Government should be aware about the treatment of human rights defenders and civil society organisations in Bangladesh. It is a Mugabe-style situation in Bangladesh now. There is a deep sense of resentment and anger. It is already like Indian administered Kashmir – it can explode at any time. More uncertainty means more violence may come up. The UK should be more sensitive to human rights issues – it appears that UK is more interested in business and the so called security issues. Persecuted human rights

defenders and journalists are not getting attention. The acting editor of Daily Amardesh who has been released on bail recently after spending three and half years in detention and who has faced torture while in custody have been denied UK visa for his treatment.

Do the security forces have the capability of monitoring internet communications/online activity?

Yes. Thousands of people's phones are tapped. Bangladesh is an unsafe place for human rights defenders. Many people are scared and have been silenced. No newspapers are independent, there are now only few independent and outspoken journalists. The ownership of ETV [Ekush Television] for example has been forcefully transferred while the owner is still in jail. Electronic media (televisions) are either controlled by the government or owned by the party activists of the ruling party.

We have heard from sources that newspapers are officially neutral. Is this not the case in reality?

Yes, they are officially neutral (according to the government) but not in reality.

What are the disciplinary penalties for RAB officers?

Those responsible for the disappearance of seven Awami leaders (one was a local leader of Awami League), supporters and their two drivers face the death penalty. This would not have happened if RAB killed BNP or other opposition party activists or trade union leaders. The members of the law enforcement agencies enjoy impunity. Despite a law against custodial deaths, the police are not filing cases. The law enforcement agencies want the Torture Prevention Act of 2013 should go.

May a person taken into police custody face torture?

They will face torture, unless they are in exceptional circumstances, such as one where treatment would attract international, diplomatic and media attention. Even those on remand are tortured. Even senior people who are political activists are tortured. It is very endemic. It isn't just physical torture, it is psychological torture, withdrawal of treatment. Jail inmates died as their treatment was denied or withdrawn. People are also tortured for bribe money. Families are targeted too for money and through mental torture.

Are you saying that torture happens to political activists, or across the board?

Across the board. Political activists are tortured more because the Government doesn't like them. Ordinary people are tortured for money. Torture is part of the corruption process. The police also have informers.

Have people told you that they were tortured?

Yes. I recently spoke to a trade union leader who was tortured.

And torture can take many forms?

Yes, torture takes many forms.

What is the mandate of the Rapid Action Battalion (RAB)? What is its structure? What are its resources?

Number-wise I cannot tell you. You will find it on the RAB website. They used to say that the RAB was the FBI of Bangladesh! RAB was founded in March 2004 during Khaleda Zia's government. They started their operation against the underground radical left. They killed many people during that period, including two top leaders of the underground radical left. In 2008 they continued to operate. The present Prime Minister had promised to disband them but when she got into power she used them more. Many enforced disappearances happened between 1971 and 1975. Again from 2007 RAB has become responsible for enforced disappearances. From 2009 the number of enforced disappearances increased. It is now 350, but we believe that about 3 to 5 times more cases are unreported. They are mostly carried out by the RAB, Detective Branch of the Police etc. RAB is manned by the officers of the defence forces and they have more logistics and more torture equipment. People are scared of RAB. People believe that the members of RAB and the police can be hired out by one to kill another.

You say that people are scared of RAB, although we heard from other sources that RAB commands public support, because they are seen to 'kill the bad guys'. Is this not your impression?

What you are saying is the old version. Up to 2005-06 RAB might have been seen in this way. The counter-terrorism unit of the police target extremist operations along with RAB, but now they have a new counter-terrorism challenge and are in competition with counter-terrorism police in respect of resources and extortion. The system is collapsing.

Is Bangladesh a signatory to any international instruments to combat enforced disappearances?

Yes. The Rome Statute of the International Criminal Court (ICC) has a provision about this [Bangladesh was a signatory on 23rd March 2010].

Minority religions

What is the situation for minority religions, such as Ahmadis, Hindus, Christians and those of no religion at all?

Community relations are generally OK. I'm saying OK, not fantastic. It is better than in India or Pakistan. The issue is that people in power, the ruling elites, use their power to grab the property of others. Bangladesh is 90 per cent Muslim, 8.5 per cent Hindu and the rest are mainly Christians and Buddhists. Between 1972 and 1975 about 55 per cent of vested and abandoned property was taken by Awami activists alone, then BNP and Jatiyo Party activists and others in certain areas. So all influential people are involved in occupying the land of the people belonging to the minority religions. It is mainly about land issues. In the 2001 elections the Hindus were targeted. Now the Hindus are only targeted by the ruling party because the ruling party are the only ones who can do it now with the support of the administration. The majority of religious minorities support the Awami League. 30 per cent people belonging to the religious minority community are in Government jobs now. There are many Hindus in the police, Detective Branch and RAB. Religious minorities are a so-called support base for the Awami League but they are still losing their land.

Is this the case across the country?

It is difficult to say that it is particularly happening in this or that area as it is happening silently, but it is happening.

What about the situation for Christians and Buddhists?

Buddhists are mainly in Chittagong. There is pressure on Christians in some places but it is not as big as with the Hindus or Ahmadis. Christians are assimilated into the society – they do not take any political side as a community.

What about Ahmadis?

Organisations were involved in a High Court case when the Ahmadi publications were banned. Then they filed a Writ Petition challenging the banning of the Ahmadi publications. Fortunately, it succeeded in a stay order from the High Court Division of the Supreme Court. The Ahmadis are targeted from time to time. They were targeted more before the Awami League came into power. Recently, an Ahmadi imam was stabbed. There are also cases of vandalism at Hindu temples.

What about secularists and atheists?

This has become an issue because of the blogging. There are three groups of bloggers: the Islamists, the left-wing and the anti-Islamists. You only ever hear about the secular bloggers, the anti-Islamist bloggers. Many of the Islamist bloggers are in jail. The left-wing bloggers face threats, for example phone calls, from various people. The anti-Islamist bloggers are under pressure from Islamic groups. There was a case in the High Court raised by two teachers. They argued that bloggers were publically going against Islam and its Prophet. So the Ministry of Home Affairs initiated the task to prepare a list of bloggers with the help of so called religious scholars. The leaders of Awami Ulema League provided a list of 86 bloggers and published them in blogs and newspapers. This was the beginning of when people came to know about this issue in early 2013.

There were protests organised by the pro-government online activists and pro-government student organisations that mobilised at the Shahbagh area of Dhaka City because they wanted that a leader of Jamaat-e-Islami should get death penalty instead of getting imprisonment for life. It became an Awami League show. Afterwards Hefazate Islam got mobilised to protest against the insulting posts against the Prophet of Islam and there was a big rally. There were clashes with the law enforcers and pro-government activists and at night there were operations. Human Rights Watch say there were 58 EJKs; Amnesty International say 44. The Government say none. Many people have left the country. The Government has refused to provide protection. The Government now wants an alliance with Hefazate Islam before the next election.

So, the Awami League intends to ally with Hefazate Islam?

I'm not saying that it will happen at the end but there are trends to neutralise Islamist forces.

Can a political activist obtain protection from the police?

[Laughing] No. Unless the activist is directly associated with the Awami League. It is almost impossible to get protection for others.

So it depends of the perpetrator of any attack?

Yes. After 2014, it is always the Awami League.

Are students involved in political violence?

Actual students participate less. It is more thugs or party activists, the land grabbers, extortionists.

What about student leagues?

The student front of Awami League is solely a criminal network. Student League members are not really students in most of the cases.

Can you tell us about the treatment of Biharis?

We work with the Urdu-speaking community. Personally I have handled cases about citizenship issues. The High Court decided that Biharis have Bangladeshi nationality but government and law enforcement don't recognise this. Members belonging to the Bihari community generally cannot get a passport. However, some got their passports, but most of them do not have. Linguistic minorities are not getting their rights – land rights, passport rights. They tend to live in ghettos.

Can Biharis access education and employment?

Some do but the government see them as an enemy, which is why they are not getting their rights.

They can legally work?

Legally yes but they face discrimination – they do not have nationality. I'm not saying that all of them don't have nationality, but most of them don't.

What is the population of Biharis in Bangladesh?

About 500,000. They live in various places nationwide. They were originally from Bihar and Uttar Pradesh in India and were involved in railway and other construction work.

Do they speak Bengali?

They speak Bengali now, yes.

If they speak Bengali, in what ways are they recognisably different?

They can be recognisable for their pronunciations. They still speak Urdu at home.

Women**Are honour crimes a common occurrence?**

We don't see that kind of thing. There is shame though, on the family, for example because of rape. There is not killing but the shame is there.

What would happen to a woman who is perceived to have brought shame on the family?

Discrimination, negligence, isolation, shaming. Many families want the girl to get out of the family, they don't want to take her responsibility when she is perceived to have brought shame on the family. They face exclusion. Many of them try to get a job – they come to Dhaka and stay in slums. If a girl got married without her parents'

consent, and if she faced abuse from her husband or in-laws, she would still try to stick with her in-laws/husband as her parents may not support her. In most of the cases these women don't get any support from the government, if any.

How often does this happen?

It is happening more or less.

If a woman is excluded from the family, is she able to find work?

As the state is not taking responsibilities for all its citizens, these women, especially those who are poor, are very vulnerable and can be trapped easily by human traffickers. For them it's hard to get job with fair wages. Many women come to Dhaka – some are separated from their family and work as domestic workers, construction workers, garment workers etc. There are many allegations of widespread corruption of government aid. A woman may earn 300 TK [£3] a day through brick-breaking. Sometimes these women have to take their children at the workplace with them, and the child is kept under the shield of a tree while they work.

Is a woman at risk of gender-based violence able to seek protection from the police?

Most of the cases the answer is no. Police say it is a personal thing when there are issues of domestic violence. Then police do not like to take the case and say 'sort it out between yourselves'. In rape cases male police ask humiliating questions to victims. The social shame is so high that women do not want to seek justice. The judiciary is also weak and dysfunctional. Usually there is a monetary compromise between the victim's family and perpetrator. In many instances there are threats from the perpetrators. Also social stigma is there. Women's lives are very cheap here. Police are very corrupt – nobody wants to call the police.

Are there shelters?

There are a few in some cities, but they are not adequate in numbers and also management wise. In rural areas these are almost non-existent. We have found allegations that women are not properly kept in the shelters – there is no proper food or trauma counselling or medical help. There are allegations of harassment too.

Are women able to stay in shelters for any particular length of time?

Not long. In one case I know it was two to three months.

What would happen then?

They would leave, although some NGOs may try to organise work or another shelter. But it's inadequate.

If a single mother is affluent or educated will she have more freedom of movement?

If we compare with poor women, to some extent affluent and educated women are privilege but they still face lots of problems in movement and many others ways. These single mothers also face lots of pressures from the society – their relatives, friends and even colleagues. Also they cannot move always as they wish. In many cases fathers don't take any financial responsibilities for their children.

Are single women able to rent property?

Security and society-wise it is still difficult. Land owners will say that you cannot live alone in a house. In one personal case I know the woman changed her identity in order to rent.

Is this because of a view that women need protection?

Not really. It is more about dysfunctional systems.

Is forced marriage a common occurrence?

Yes, it is going on. It happens all over Bangladesh.

Do you have any statistics about forced marriages?

No.

It is nationwide?

Yes. Such as girls who have been brought up in England are taken back to Sylhet to get married by parents' choice by force. Though not all settled marriages are forced marriages.

Can a girl refuse a prospective husband whom her family have chosen for her?

Sometimes yes, sometimes no. Girls are now getting married of their own choice.

How frequent are child marriages?

It's widespread. There is Child Marriage Prevention Act 2017 which actually supports child marriage. Girls are most at risk of child marriage. Through the Child Marriage Prevention Act 2017 people may try to marry off girls to their rapists. Birth certificates can be changed to make the minor girls look adult.

Are you talking about marriages where an infant boy and infant girl are chosen to wed by their families, or marriages where child girls are married off to older adult men?

I am talking about the cases where minor girls are married off with older adult men. There is a problem with the special provision in the law regarding child marriage. Also, High Court Directives against stalking are not implemented. There are even allegations that on duty male police personnel are disturbing girls in front of girl's schools or colleges. Due to stalking many girls are being killed and some commit suicide. To protect girls from stalkers many parents married off their minor children to adult men. If girls would get security due to the improvement of law and order and a functional judiciary then incidents of child marriages wouldn't occur that much.

So there are cases of young girls being married off to older men?

Yes

I see that your statistics include acid attacks against women. Our understanding was that acid attacks were a particular problem a few years ago, but instances of it have now gone down. Would you agree?

Yes. Acid attacks are going down.

Rohingya

What is the current situation for Rohingyas?

There has been a recent influx of refugees. But the Bangladeshi government is not welcoming; 200,000-400,000 are already living in Bangladesh, in Cox's Bazaar, and officially the number is about 70,000. The BGB [Border Guard Bangladesh] have pushed back many arrivals although they were facing ethnic cleansing in Myanmar. Many of these women were raped and also taken as sex slaves by the Myanmar military; children were thrown into fire and killed; men and boys were disappeared and extra-judicially killed. When they arrived in Bangladesh they did not find shelter immediately. This year we have documented the testimonies of 100 Rohingya women and men who suffered atrocities. We will also publish a report next month about the situation. We have adopted two human rights defenders who have documented videos and photographs of atrocities. We also made representations to the UN Special Rapporteur on Myanmar. We have also sent a Fact-Finding Mission to the camps inside Bangladesh. Our position is that the Government should allow them in and that the international community should then relocate them or arrange safe return, and that Aung San Suu Kyi's ethnic cleansing should stop.

What sort of societal attitudes are there towards them?

The local community have provided shelter, money and protection, for example when women were persecuted by the Bangladesh intelligence agency. Local mosques have also been protective and provided shelter. This is how they are still living. The aid programme is restricted. It is difficult to communicate with them directly. The Bangladesh government is not positive – you can see the Prime Minister's position on Rohingyas on Youtube. Bangladesh is not friendly but they have been forced into a situation they had to accept.

What about NGO support?

Support is mostly from the local community. Law enforcement say local hospitals cannot treat them without permission from the Government but informally doctors have helped. A thousand women need medical help. The Government has arrested people who are willing to work with the Rohingyas.

We have heard that there are hospitals providing support.

Medicines Sans Frontières is there but it is not adequate. IOM [International Organization for Migration] are also there. The Prime Minister's sister's daughter-in-law, who is Finnish, is in charge of the IOM operation there, so UNHCR [UN High Commissioner for Refugees] have had to take a back seat.

Can Rohingyas work legally?

They cannot work legally. They beg, in side-roads because they cannot beg on the main road as they will be detained by the police if they do. They are prone to violations – sexual violence and trafficking.

Are you aware of Bangladeshi nationals using Rohingya documentation with the intent of seeking asylum?

We don't know but think there are likely to be more cases of this. The situation in Bangladesh at the grassroots level is catastrophic – the disappearances, the cases against political activists. There are dead bodies found in the jungle. The government

claims that the GDP has grown by 6.8 – 7 per cent. Whatever the growth is, it has benefited the elite; ordinary people are suffering. There is no need for Bangladeshis to pretend to be Rohingyas though. In Europe thousands of Bangladeshis would claim asylum. Bangladesh is no more a safe country. The only people who stay are those who want to fight, those who cannot go or those who are part of the ruling elite. Bangladesh is under the carpet of the international community. The regime is being protected from abroad. Resentment is very high here.

Do you think things will change at the next election?

If it is monitored internationally; if Sheikh Hasina is not in holding the steering wheel. Sheikh Hasina should not be controlling the election. People of Bengal have been voting since 1937. In 2014 153 MPs were elected before the first vote was cast, including the Speaker of Parliament. If it goes better it will be like Kashmir, at worst scenario Syria or Yemen, and there will be more refugees in Europe. Free and fair elections, rule of law and accountability to the people can only transform this country towards a positive direction.

Meeting with Transparency International, 23 May 2017

Transparency International (TI) was set up in Bangladesh in 1996. It started small, but is now the largest chapter of the (105-106) TI offices in the world.

It has three main streams to its work:

1. Research – carried out by in-house and external researchers completing surveys about corruption in general and specific areas such as education, health and the judiciary. The information TIB gathers is used to give an indication of corruption within the country. TIB works with the government, sharing its information to have an impact on policies, laws and institutions and the state structure, hoping to prevent and control corruption. It does not 'name and shame' but rather reports about institutional corruption, its processes and systemic weaknesses.
2. Outreach and communication – TIB engages with stakeholders, including the youth, media and other actors in civil society on public issues and anti-corruption campaigns.
3. Civic engagement – spreading the anti-corruption movement in locations outside of Dhaka. TIB has spread its work across 45 locations at the sub-national (district and sub-district) level to engage the local community who are willing to work on a voluntary basis and engage in social movement against corruption. It covers 5 areas of public interest including education, health, local government, land issues and climate finance governance. TIB has about 6000+ volunteers of which 75 per cent are youngsters, mainly university students organised in groups.

TIB works closely with institutions of the national integrity system (NIS), particularly the Anti-Corruption Commission, building their anti-corruption capacity by facilitating legal, policy and institutional reforms. Other institutions that are the focus of TIB's priority are judiciary, law enforcement agencies, parliament, the private sector and Executive. It also works with the media building capacity amongst journalists based

in Dhaka and other areas. Investigative journalism (IJ) is said to be the most powerful tool against corruption. TIB has been offering IJ Awards each year for the best investigating reports at both national and local levels for last 14 years. It conducts IJ training programmes for journalists at national and sub-national levels. It has also introduced IJ Fellowships in several categories for last three years.

TIB is also piloting the Advocacy and Legal Advice Centre (ALAC) through which it provides victims and witnesses of corruption with legal guidance, and referrals to legal aid organisations and the Anti-Corruption Commission. Issues brought to the ALAC also help generate a database on the kind and forms of corruption general people face in their daily lives which can be used for TIB's research. Additionally, recognizing the importance of disclosure as a powerful anti-corruption preventive tool, TIB operates Advice and Information stalls in local government offices, hospitals and education facilities, etc., to provide information on services of the concerned institutions.

Corruption

Corruption is evident more or less through all areas, sectors and institutions including the judiciary. There is a robust law, but its implementation is very weak. TIB have been promoting the culture of saying 'No' to corruption, but it is very much entrenched, it exists everywhere; but something can be done about it if there is political will. Fundamentally no country in the world can control corruption without the political will. Corruption should be criminalised and made punishable in practice without fear or favour.

The Government adopted an Anti-Corruption Law in 2004 and the National Integrity Strategy 2012, which TIB helped to draft. TIB has provided a lot of support and is engaged in capacity building with the government. However, the implementation of the law is very poor. Accountability is not effective enough. Each government says it will address corruption but it doesn't happen.

In 2001-2005 Bangladesh was at the bottom of the Corruption Perceptions Index, published globally every year by the Berlin-based Transparency International but now it is ranked 145 from top with a score of 26 in scale of 0-100 out of 176 countries. In international comparison, therefore, the ranking has somewhat improved, but corruption does remain a pervasive problem. The most recent National Household Survey 2015 conducted by TIB based on people's experiences in the public service sector showed that 67.8 per cent of the respondents were victims of bribery and other forms of corruption.

The judiciary and the law enforcement agencies are always very high in the corruption stakes. Judicial services topped the list of top of the most corrupt sectors institutions in the 2010 survey. Following its publication TIB faced court cases but eventually the matter was mutually settled when TIB explained its research findings and methods to a 5-member committee of the senior judges formed by the Chief Justice.

The judiciary, law enforcement agencies including police and administration are very politicised and open to abuse. Victims become further at risk, while instead of justice their families are subjected to threats by perpetrators and abuse by some in law enforcement agencies.

There is a reluctance on the part of the police to accept complaints, for example from women victims of gender based violence.

Although no longer on top, the judicial service remains significantly corrupt; in TIB's 2015 National Household Survey, 48.2 per cent of people experienced corruption at different levels in the judiciary, but this figure has reduced since 2010 when it was over 80 per cent. At that time the direct involvement of judges was apparent, but that has now eroded. There is no direct evidence of this, but there are reports that certain litigants preferred to avoid certain Benches for fear of judges being influenced by people in high standing or people with political power. There are unverified allegations that sometimes judgements can even be written by lawyers representing the perpetrator. More money passes hands in the lower courts. In the higher courts, corruption is more about big deals, political deals. In Bangladesh, the people to judges ratio is one of the worst in the world and are in disproportionate numbers in comparison to the population. With more than 100,000 people per judge, one of the worst ratios in the world, their scope of vulnerability to corruption is also relatively greater.

It is broadly spelled out in the Constitution that it is the prerogative of the Chief Justice to appoint judges (following an application process), but these decisions are often made by the executive. The Law Ministry plays a major role in this process, so there is little independence.

A Supreme Judicial Council exists, for the oversight of judges, but it has not been effective. To complicate the matter further the Parliament and the Supreme Court has recently been at loggerheads over an attempt by the former to take on the authority to undertake disciplinary action against judges which the latter considers to have potential to compromise its independence in a highly politicised context. Given concerns of getting slapped by contempt charges, the Office of the Comptroller and Auditor General is reluctant to audit the judiciary although it is within its constitutional mandate.

Among other public services corruption in the passport service was found to be most pervasive according to the national household survey 2015 mentioned above – bribes are paid during the passport application, processing and delivery process. Corruption is a huge institutional problem and there is no effective monitoring of procedures.

Witness Protection

Witness protection provisions are scattered across various laws but there is no comprehensive and specific law on witness protection as such. Non Government Organisations (NGOs) have been clamouring for this provision in some particular areas, such as Gender Based Violence (GBV).

Section 506 of the (colonial) Penal Code of 1860 prohibits the intimidation of witnesses. The Evidence Law of 1872 prohibits the asking of humiliating or intimidating questions to witnesses. Also the International Crimes Tribunal Act 1973, Section 58 A, clause 1 and sub-clause 2, make provisions for making accommodation arrangements for witnesses/victims, to ensure protection, privacy and well-being of witnesses/victims. There is no Witness Protection Scheme as such.

Law Commission

The primary purpose of the Law Commission is to develop new draft laws. It has made two recommendations about a Witness Protection Scheme – in 2006 (report no.74) and 2011 (report no.108). The Ministry of Law has historically been indifferent

to proposals from Law Commission and therefore laws drafted by the latter are not always put into practice.

Legal Aid

There are District Legal Aid Committees (DisLAC), provided by the Government, but legal aid provided by NGOs is far more effective. People are generally averse to accessing the formal legal system because it can be long and intimidating. Legal aid services provided by NGOs are generally not seen as corrupt. People have more trust in the NGO system, but there is speculation that NGOs do not provide sufficient information on government legal aid for fear of losing business.

By one estimate, almost 80 per cent of cases are settled out of court. Research shows that 90 per cent of people in the rural areas are aware of local level mediation/shalish as opposed to 7 per cent who know about Government legal aid.

Shalish

Shalish is a form of local justice controlled more by the local 'on hand' elite, and accountable to political elites at the local level. It is therefore more prone to corruption, discrimination and manipulation. Shalish decisions are quite effective when properly applied in compliance with the law; however some decisions are against the law, for example, a rape victim being forced to marry the perpetrator (so that the mother and child will have support). The Shalish system needs to be grounded in the law to ensure the process is legal; sometimes it can be contradictory. Mediation is driven by NGOs but this can be problematic if the NGO's resources dry up. Mediation needs to be implemented at grass roots level to change social norms.

Shalish is country-wide and often used to deal with land disputes, family matters and other petty issues, although sometimes it is seen to be more arbitrary than conciliatory, hence NGOs are training staff in mediation.

Document fraud

There are significant incidents of forged certificates particularly in relation to land matters, but it is not general. For example, document fraud is seen particularly in land disputes where a piece of land can be sold 'over and over' using forged documents. Forged documents are also used as evidence in big court cases, such as banking or tax evasion cases, but not in all cases. Students present forged medical documents to secure leave of absence or to sit for missed examinations. Another example of the use of forged documentation was the collapsed [eight storey Rana Plaza factory] building in 2013. Documents were forged about permission to build there.

Forged passports are not so much of an issue, but it is not impossible that they could be obtained.

Arrest warrants can be forged. There is also corruption in the sense that a person is arrested and the family will pay to have them released.

Immigration documents can be forged, or legitimate documents used fraudulently as in cases of identity theft. This includes UK immigration. For example, TIB mentioned the case of a mentally disabled British-Bangladeshi woman who married a Bangladeshi national. He was denied a spousal visa as it was deemed the woman did not have the mental capacity to consent to marry. So the man stole his wife's

British passport which was used by his 'second' wife to enter the UK. It was considered there were a number of these (types of) immigration (fraud) cases.

TIB had also witnessed an immigration official at an airport taking money from a passenger. Immigration and customs corruption are often connected. The TIB official added that there are also good immigration officers who check documents thoroughly to prevent human trafficking offences.

Potentially, it may be possible to forge Rohingya documentation, but this has not been documented. There have been stories of Rohingya refugees using Bangladeshi documents to travel abroad.

On the question of whether a false court summons could be published in a newspaper, the TI official said that it's quite possible but that she hasn't come across it.

Media

The media is generally free and tries to remain free but because of the intolerance of a section of the powerful the media practices self-censorship, so journalism may suffer. On the other hand, some journalists promote the truth, but this results in free media being victimised. Some media groups have been in trouble, others have faced motivated court cases and other forms of intimidation for being critical of the government, but the media is basically a good ally against corruption.

Bloggers writing on secular issues have been under attack by extremists in the past 2-3 years which restricts media freedom. A reporter may produce a genuine or fake article and be asked to pay for it to be printed; or pay so that it does not get printed. This type of issue, which could lead to victimisation, would be more prevalent in a local paper, rather than a national daily newspaper.

Police

Corruption amongst the police is rampant according to credible and independent research and surveys including that of TIB. Beneficiaries of police corruption is perceived to be at every level up to the top. Recruitment, transfer and promotion are often subjected to corruption, nepotism and partisan political influence.

There is also corruption in the collection of highway tolls. Police illegally collect money from street traders and hawkers. The political dimension is that the police are so politicised that they are morally compromised and so become vulnerable to corruption.

The court case backlog is very high; infrastructure and logistical support is poor – although better at the apex court, this is not filtered across. There is often an absence of witnesses and transfer of judges during trial. Investigation by the police is weak, either wilful by officers 'dragging their feet' or demanding money. All these things feed corruption. In addition, in corruption cases there is also a lack of evidence which also means these cases take a very long time to resolve.

Also, whilst using Alternative Dispute Resolution would reduce the civil court caseload, this would impact on a lawyers income so some lawyers may be reluctant to use this process.

Protection

Police often offer protection to people who have the right connections, such as political connections or people with money or other elements of power. Police lack the logistics, such as transport, to physically offer protection. In some cases police might have to use their own money to travel to a murder scene.

Meeting with Abdul Awwal Khan Chowdhury, Ahmadiyya Muslim Jama'at, Bangladesh and one other Ahmadiyya Muslim community member, 24 May 2017

A representative from the Ahmadiyya Muslim community stated that Ahmadis in Bangladesh do not consider themselves as minority because:

1. Bangladesh was not liberated in the name of religion. Secular Bangladesh was achieved in the name of ensuring justice in all spheres of life: social, political and economical. As such, this great nation cannot and should not be divided in the name religion and faith. People of all cast, creed or faith are equal here; and
2. For all constitutional and legal purposes Ahmadis are considered as Muslims in Bangladesh with a century long harmonious co-existence with others (with a few exceptional periods of artificial crisis). Secularism here means state policy of maintaining 'absolute neutrality in the matters of religion'.

The representative considered that any religious group other than the Sunni-Hanafi-Deobandi school of thought, whether Muslims or non-Muslims, which brands themselves or accepts the title of 'minority' is actually strengthening the hands of the political clerics popularly known as mullahs. It is this mullah group which wants division in the name of faith and belief. Unfortunately, few faith-based groups here already brands themselves as 'minority' either to fit in the internationally recognised human rights formats or to derive benefits allocated for the 'minorities'. It is the mullah group which emphasises on declaring Ahmadis as a 'non-Muslim minority' only to establish themselves as the absolute majority.

The representative believed that 'mullahism' is spreading its roots in Bangladesh for quite some time now. It is moving silently but effectively beneath the surface like lava. One may observe a violent burst at any point (God forbid)! These elements are very much present and active in social media. As Ahmadis are capable of challenging these reactionaries theologically and through an ideological fight, they become a natural obstruction in the way of the fanatics. This is one of the main reasons of the anti-Ahmadiyya movement here.

It is also worth noting that clerics belonging to 72 sects of Muslims have declared Ahmadis as 'kafir' i.e. heretics or non Muslims. The Deobandi school of thought is particularly active in this area fed by the madrassas. Around 90 per cent of madrassas here are of the Deobandi creed.

Similarly, another strong hindrance in the way of 'mullahism' is the state policy of being secular. This was clearly enshrined in our original constitution of 1972. Article 12 guaranteed state and mosque separation. But this article was erased after the political change of August 1975. Article 2A was later inserted declaring Islam as the 'state religion'. In fact, mullahs are not satisfied with the current shape of the

constitution. They want to change the whole constitution. Changing our constitution is their target.

The representative said that there were approximately 100,000 Ahmadis living across Bangladesh, with 120 branches and 500 clusters. They have been present in what is now Bangladesh since 1912. There are 150 Ahmadi mosques nationwide and attacks against them have reduced under the present government. Between 2003 and 2006, 36 attacks and attempts on Ahmadiyya mosques took place in the period under the Bangladesh Nationalist Party (BNP)-Jammat Islami government. During the present government, an under-construction Ahmadiyya mosque at Chantara (under Ghatail Thana of Tangail district) was ruined in 2012 and has still not been rebuilt. Following this there was an incident at Menanagar, Taraganj, where 2 Ahmadi families had their homes attacked and burned.

The representative stated that in the past, most Bangladeshis did not have or show any apparent affiliation with religion or religious platforms. But now 'everyone' seems to be interested in showing his/her affiliation to one religious group or the other. The government also seems to be adapting a policy of appeasing the mullahs. The liberation of Bangladesh was based on 4 principles – democracy, socialism, secularism and nationalism. The constitution promotes neutrality in the matters of faith and religion but the mullahs seem to be gaining a kind of influence and are having an impact on the society at a grassroots level.

The representative described a recent incident of hostility against an Ahmadi, which occurred on 8 May 2017, in Shohagi, Mymensingh district. The Ahmadi missionary was attacked by 3 madrassa students. Despite timely police action this incident was not condemned openly by the civil society or the political parties considering the sensitivity of the matter. The incident took place near a madrassa and 3 Ahmadi women apprehended one of the perpetrators, who was taken into custody. The women received a reward (10,000 taka each) from the police for their help.

There is a vibrant civil society and media in Bangladesh, but the present government seems to be having reservations about this. The Awami League (AL) and BNP are affiliated to the mullahs. Jatiya Party has recently announced a 51 party alliance which again, consists of mullahs! The [current] Government is a constitutional government, not a popularly elected one. So, in order to make up this 'deficiency' they seem to be taking refuge under the garb of religious enthusiasm which will be proved counter-productive. After all, 'voters are Gods for the politicians'. Mullahs are trying to penetrate into the fabric of the society.

However, the representative gave credit to the current government for managing power shortages, its effective management, and economic growth. Communication and security had improved in general though there was still a risk for Ahmadis, bloggers and secularists. If the 10 per cent of the population belonging to non-Muslim faiths would have been united and vibrant they could have played a very positive and effective role in curtailing the rise of reactionary forces in Bangladesh.

Meeting with Article 19, 24 May 2017

Article 19 is an organisation committed to defending freedom of expression.

In Dhaka Article 19 does lots of work around the safety of journalists and also runs projects on freedom of expression. Its annual published reports, for example 2013,

2014 and 2016, detail information about media violations, which include attacks against journalists and human rights defenders. It is the only non government organisation (NGO) in Bangladesh providing this type of information.

In 2016 there were 83 incidents of criminal defamation and 66 alleged sedition incidents against the Daily Star (the biggest of the Bangladesh national daily newspapers). There were also physical attacks, including three murders – of an LGBT activist and two bloggers. There has been a rise in attacks that involved destroying equipment, such as cameras. This is a highly effective way to curtail a journalist's activities as it can take two years to replace a camera. Journalists have also been attacked covering protests.

There are no 'blasphemy' laws in Bangladesh but there are laws that restrict comments against religion.

Since 1995, 51 journalists have been killed, but there have only been convictions in two cases. Charge sheets were started for other cases, but were not pursued. A criminal case regarding a journalist killed 12 years ago has only just ended. Impunity acts as an incentive for action. The number of perpetrators, including political activists (Awami League) at a local level, and illicit drug operators, is getting higher.

Another growing trend is that journalists are being attacked when covering sensitive issues such as high profile politicians; political activists; child marriage; corruption, illegal incidents and gender based violence.

Journalists practice degrees of self censorship.

Fear is generated due to the increased and unwarranted application of criminal laws and laws of sedition against the media. These 'vexatious cases' have no basis and is a form of harassment. It was not known if there were penalties for those filing such cases.

A Digital Security Act was drafted in 2016 and is currently with the government for comment. In some ways the law is needed due to growing internet penetration. Online harassment and pornography are increasing so action is needed to address this; and there is a demand for it. The new law could categorise almost anything as an online crime, including activism, terrorism, threats and pornography, amongst others. The law, which is very broad, will try to deal with online crimes and to provide penalties. Following advisory comments from Article 19, the draft law is now being reviewed by the Law Ministry.

Article 19 requested the repeal of Section 57 [which refers to online expression], which was agreed by the Law Minister, but after three years this still hasn't happened.

Freedom of expression

There is freedom of expression in the written press – for exact reporting. For example, it is possible to report on the opposition party when referring to factual quotes, such as crimes being reported, but it is not possible to print a journalist's opinion. Online media editors have a little more freedom, but even there journalists are told not to publish particular articles. There were 320 incidents of journalists being silenced, ill treated in this way, which also means the country missed out on 320 stories.

In the electronic media [television] there are chat shows that critique political issues and laws. However, there are less than before and there is pressure on editors not to invite certain critical voices on as guests.

Journalists at the local level face more (direct) restrictions as it is perceived they could do more damage to local politicians. At the national level, high profile politicians ensure there is safeguarding editorial oversight.

All of the media, both press and electronic (television) are privatised, owned by five or six corporate houses. Some could be owned by government officials as high numbers of businessmen are becoming parliamentarians; but only the ones who can afford to campaign have influence on the media.

Independent journalists

Freelance journalists are more exposed to more violations as they do not have the support of media houses. For them reporting is a risky business, but it is difficult to say who is freelance and who is not.

The working conditions of all journalists are very difficult. There are laws, but their application is very poor, there is no protection on contracts or salary.

Charges were raised against journalists in some cases; these were not just 'general diary entries' and at the time the accused journalists were given bail, but the government dropped the charges to please the upper echelons.

Incidents in 2016 also included a journalist who was attacked (and still suffering from his injuries) for reporting on illegal sand extraction; an incident which involved 30-40 protesters being taken and threatened by illicit businessmen (this type of group activity had not been seen before). 17.6 per cent of all harassment was online, with 22 cases filed under the ICT Law in 2016, resulting in 18 arrests and 5 incidents of remand, although under different laws.

Meeting with journalists, 24 May

Can you give us your observations on the situation for journalists and the state of freedom of expression in the country?

Journalist 3: We enjoy press freedoms. However, there is some self-censorship. The situation is complex.

Journalist 2: It cannot be clearly said that we don't have freedom of expression. From my experience there is a lack of knowledge about ethical standards, human rights standards and violations of laws. There is a lack of understanding. Newspapers are corporatised – journalists fear losing their job if they don't toe the editorial line. It takes them to practice self-censorship. Most newspapers are owned by corporate houses. There is a 2009 Right to Information law which is an effective tool. Journalists can apply this. Journalists are under pressure to produce news but sometimes it takes long to get information and we don't want to use it. However, it is an effective tool for investigative journalism and should be used more.

Journalist 1: There is a difference between the national level and grassroots level.

Journalist 6: Freedoms are different in the electronic and print media. For local media many issues could be covered but these are not considered by local media owners.

Journalist 8: There are internal dynamics. News editors will decide what can be published. Journalism is a challenging profession.

Is there a backlash if certain stories are published?

Journalist 8: Newspapers are independent. We are not afraid of writing something but there is an editorial line. If news cannot be verified we have to publically say sorry. A supporter of the Government may file cases in districts. For media there may be 300 cases, but we can fight it as one case from Dhaka. These are defamation cases brought by those who support the Awami League. There are two aspects of the backlash: one, the business interests of owners, who may have 100 business and so cause conflict of interests. Most defamation cases are business issues. Then there are cases in political parties, which depends on relationships. An editor may respect the relationship rather than go after Ministers. It is complex.

So, stories may not get published because they may affect political relationships?

Journalist 8: This is certainly true. Two strong parties defend their opinion. This is the history of Bangladesh. If you go to the root you will understand it better.

Are cases filed against you individually as journalists?

Journalist 3: No.

Journalist 2: It is an intra-party issue.

Journalist 3: Under Article 57 [of the ICT Act] a person sued against members of the community because a member wrote something against a company's products. The consumer complained, they used the Article to file a complaint. The police can arrest journalists – we want the Government to discard this law.

Journalist 6: There was a political meeting where there was intra-party conflict where people had to leave the meeting. There were photos of this. However, a journalist was arrested under Article 57 for tarnishing the image of a politician after reporting he had to leave the meeting under police protection. This happened six months ago.

Are you able to, and do you, report on intra-party conflicts and clashes between student leagues?

Journalist 8: There are repercussions at the grassroots level. It is always the case in extortion cases, cases about physical conflicts. Repercussions could come from all quarters – the local level editor or the perpetrator himself. Intimidation is very common. If you remain to the facts then intimidation is limited to reprimands or threatening phone calls. When reports go into embellishments – this is when you face trouble.

Journalist 4: If you work for a big newspaper then there is little chance of intimidation, because it would mean that the paper would report on the intimidation as a human rights violation. Intimidation is more likely to happen to those who work for a B or C category of newspaper.

Journalist 2: If real news is attempted then there is less likelihood of intimidation. If news is unauthentic, if it is embellished – ‘yellow journalism’ – then people become more vulnerable.

Is the violence more between the Awami League and the BNP?

Journalist 3: If you know Bangladesh politics you know it is about power. Then the conflict comes. Violence comes from the BNP at the moment because they have nothing to do at this time!

Journalist 2: There is violence for a number of reasons. There is much political posturing. People want to get onto local committees. If we have active opposition then we see the conflicts. At the moment the opposition is very inactive, it is dormant.

Journalist 4: There are political groups even in the UK! The same kinds of issues crop up. It happened last year where BNP supporters in London showed the black flag, protesting against the Prime Minister who came to the UK. Bangladesh is everywhere doing politics.

Journalist 6: There is also the harassment of businesses.

Journalist 1: Local drug peddlers can be powerful. Illicit businesses are powerful. I was the victim of a criminal defamation, quite a while ago now. I reported about a local MP. The MP withdrew the case after two and a half years.

Can you comment about women in journalism?

Journalist 1 [a woman]: Many women work in remote districts, areas known for extremism. Media houses don't want to recruit women because the geography is risky. I reported against a local MP recently. I got threats, which were serious, and I was almost under house protection. I didn't leave the house for several weeks. This happens quite a lot. Journalists want to settle.

What about police protection?

Journalist 2: People don't want to go to the police. People don't want to get harassed.

Journalist 3: It is hard for women in newspapers. There are more women in electronic media. Traditionally you do not find that many good reporters are women. Women don't tend to do the crime beat, crime stories that reach the front pages. Other issues are that stories are taken at 2am or 3am, which is not friendly for women.

So journalism is not safe for women?

Journalist 3: It is not safe. Also, women are not interested in journalism. There is an interpretation that media houses are not interested in women journalists but that is not the case. There has been a shift in women working in TV.

Journalist 6: In TV there is more protection because, for example, women are accompanied by cameramen. You see women working more in electronic rather than in print media. Retention is not good. Drop-out rates are high for women.

Journalist 3: ...but the drop-out rate is even high for men. Look at the numbers.

Journalist 6: There are around 4,000 women journalists, about 7 per cent of journalists. When we see more journalists, we don't see the percentage of women increasing. There are points about wages and contracts that explain the drop-out rate but women face the brunt of it more.

Journalist 2: Men are also not getting any support.

Journalist 3: Traditional journalism does not pay well. It is not a good pull factor. If we compare the numbers, there has been an increase in females in recent years in my company. I don't have specific numbers but if you look the numbers have increased.

Journalist 2: The issue is more about women's interest.

Journalist 4: The role of associations is also important. They are divided on party lines, it is partisan. If someone is attacked, support isn't institutionalised but comes from media houses based on party lines. Journalists don't want to file cases against violations on media workers. Media houses won't be interested, even though they are meant to be. The state does not provide support. Institutions are problematic. Politicisation is problematic.

Can you comment about media coverage of secular issues and LGBT issues?

Journalist 3: We cover LGBT issues but not often. About 5 or 6 stories a year. I wrote some issues, I know LGBT associates. They are not public because of our society and culture. We are not going for massive media coverage of these issues. There was a recent raid on gay people (a party) and the media named people. My media house did not publish photos as they would be at risk.

Journalist 2: Police found drugs, which is why they charged them with narcotics offences.

Journalist 6: Nobody knows if there were narcotics were there – this is the nature of reporting. To say it was about narcotics is a standard response by police.

Would you face a backlash if you put out a story about these issues?

Journalist 6: No. I covered a large HIV conference and I didn't face any problems. There were arrests because local people reported it. I remember as a student I saved an LGBT couple from a backlash. This is our society and culture. Unless the law [criminalising homosexual sex] is lifted nothing will change.

Journalist 3: It is not easy to change.

Journalist 1: There are initiatives to protect transgender people, there is a bit more openness about this. It is difficult for gays and lesbians.

Journalist 4: There are Government measures for the protection of minorities, for example low-caste Hindus. There are some Government pilot projects – occupational work, training. It is a good initiative. It is cross-cutting work.

Journalist 3: Minorities are subject to political violence, land-grabbing, arson on property.

Journalist 6: In the 80s the law changed, which effectively means that the Government has the right to acquire abandoned properties. There is a short time limit in which someone can challenge this. There are all sorts of issues about the implementation of the law.

Journalist 3: Even before elections they come under attack.

Are you referring to indigenous peoples?

Journalist 3: Hindus mainly.

Can you comment on the situation for those working online, in the digital space?

Journalist 3: All news now comes from social media. It is very active, very vibrant. There are 70 million Facebook users in Bangladesh. On social media people can just write anything about anybody.

Journalist 6: There is more misuse, more violations online. Hate speech is an issue. It is ungoverned, unregulated.

Journalist 3: There have been cases against cricketers because they harassed women online. There have also been instances of the photoshopping of Hindus and the hacking into Hindu accounts to deliberately post anti-Islamic messages.

We heard accounts that arrest warrants can be published in newspapers. Is this possible? Is it possible to publish a fraudulently obtained or fake warrant in a paper?

Journalist 5: This is not possible in the mainstream media.

Journalist 1: It is difficult to have fake news. It is very possible online.

Journalist 9: It is not possible in the mainstream media. Only online.

Journalist 3: I disagree.

Journalist 6: There are no regulations, no laws online.

Is there a code of conduct for journalists?

Journalist 6: Yes. There are Editorial Councils and groups. There are guidelines.

Journalist 3: ...there are no editorial guidelines in Bangladesh.

Journalist 6: There are some.

Meeting with Rev Ashim Kr Baroi, General Secretary, Bangladesh Baptist Church Sangha, 24 May 2017

Can you give us your view of the situation for Christians in the country?

We are the minority within the minority. Sometimes we feel lonely – there is no succour from the Government and the majority religions. The Government is trying to do something, but it is eyewash. The Government are pressurised by the Muslim majority groups – the Muslims have many majority groups. Extreme groups are harmful for the Christian community. In rural areas, the minority Christians are oppressed and their land is always grabbed. This happens for the party's benefit also. The parties try to get benefit from the Christian community.

The Christian missions and NGOs are doing a good job. Even though the Christian community is small, since independence we have made a big contribution and provided a good qualitative service in areas including education, health and

development. But we are a small community. The Christian community is not recognised by the Government – currently a Christian leader is in conflict with the Government. The Government does not treat us equally.

In what ways are you not treated equally?

There are special facilities for ethnic and tribal groups, the indigenous peoples, who also have quotas for government jobs. But Bengali Christian people have no such thing. We are being left behind. There are no government jobs for us.

What is the breakdown of Christian denominations in the country?

About 50 per cent is Catholic, about 50 per cent Protestant, such as Anglicans, Assemblies of God and Baptists.

Can you comment on the situation for Christian converts?

We are not 'Muslim-focused'. Christian converts from Islam are tortured by the Muslim community and also by secular Muslim groups. I know of 18 converts in northern Bangladesh. More than 600 people have been baptised within the last 10 years. But we are not Muslim-focused.

What do you mean by 'not Muslim-focused'?

We do not mention them [converts] in our written documentation. We do not put a big focus on Muslim-Christian converts as the government would pressure the Christian community and ask why they were converting.

Ethnic groups are also suffering. They are landless. If an indigenous person becomes a Christian they need extra support because they are already landless. They live in remote areas like the south-east, hilly areas. The Baptists supplement their needs and provide education for their children. There are more ethnic and tribal groups living there. Communication is not easy. Many people are becoming distant from the Buddhists – they are very conservative. When Buddhist people become Christians they are tortured by the Buddhist community.

What form does this torture take?

Political groups and leaders can be Buddhist. When people become Christians they get tortured.

How are they tortured?

Buddhists are trying to increase their religion because they are a minority. When Buddhists become Christian they will be disgraced because the Buddhist religion has become weaker.

How do Buddhists retaliate? Land-grabs, or beatings etc?

There are three districts that are dominated by Buddhist people: Kacgarachai, Rangamali and Bandai in the Chittagong area. They get more benefit from the Government side. Political leaders there come from the Buddhist community. Christians live in the south – the south is mainly dominated by Christians and Buddhists. In Dhaka most Christians are Roman Catholics. Protestant Christians are found in the south districts, for example my district of Barisal.

Are Christians able to hold services without interference?

We can hold services and prayer meetings indoors without interference, but sometimes Muslim people create problems. In the Constitution Bangladesh is a secular religious country but we have no freedom. When we use the sound system we need to stop all of our microphones and sound during Muslim prayer time.

Is this inside or outside the church?

We stop the microphones as somebody will come and say 'why are you doing this?'

This happens even if the microphones are on inside the church?

Yes. At Christmas time the police provide security for our safety, because we have no freedom. They [Muslims] make noises and the congregation feels edgy and disturbed.

So it is the Muslims in society who are causing problems rather than the police/authorities?

When we sing a song loudly the groups complain to us, 'don't do this', 'don't sing a song' or 'don't play the drums'.

So they interrupt your service?

Yes.

Everywhere?

It is not so bad in Dhaka or Chittagong which are crowded places, but it is worse in the villages where it is quieter.

You mentioned that you were provided with protection at Christmas time.**Would you say that you receive adequate protection by the police?**

We make reports but most police are Muslim. They will then try to hide something if we make reports. Tribal people are tortured by the Muslim community who then try to grab their land – the police are involved in this with leaders in the Muslim community. The real facts are not published. When human rights groups visited and collected real reports the police and parties then published their own reports.

Are you saying that the police won't take a case on?

Yes. The police are corrupted. Muslim people have lots of money. They have more muscle-power. If you do not have money you do not have proper support. There is no support from the government for minority groups. Christians are oriented by Christian values so do not give money. I am a senior priest and for 20 years have tried to get a marriage licence from the government. Several times I have visited the government office with all the right paperwork but they told me to give 30,000 TK to get a marriage licence. I refused as I am oriented by Christian values.

How are people recognised as a Christian? Is it from their names, is it on their ID etc?

Traditional Christians are more focused in this way, they are mentioned on the census, but those who are Christian converts from the Muslim community hide their religion and identity.

Can a person's name identify them as a Christian?

Yes, a person can have a Christian name. But when Muslim people become Christians they do not change their name, to avoid detection. They may put a Christian name in brackets.

Do baptisms take place in a public place (full immersion) or inside the church?

It is not a problem for traditional churches like the Roman Catholics and Baptists – these are older and everyone knows these Christian denominations. But new Christian groups have more problems. The Baptist Missionary Society has a baptismal tank inside the mission, but sometimes baptisms are arranged in a public place so local people know we are Christian – they say they enjoy the baptism. I have baptised 400 people in Muslim areas. People will say ‘yes brother’ and eat in picnic spots and drink tea. There is an arranged programme and people come together and enjoy it.

So Muslims refer to you as ‘brother’?

Yes, and also people mainly from tribal groups.

Is there ever any trouble at these events?

We arranged the programmes very carefully and wisely. Last year we baptised Muslim people. If we do this outside of the compound there will be more focus and people will make a noise.

400 people – in one service?

Yes

When was this?

2002.

So you are able to work alongside Muslims? You can work with other religions?

We meet together with sometimes a good result, sometimes we fail. It’s different with the Muslim leaders because of their mentality and their involvement in land-grabs. Local leaders are involved with people to get illegal benefits. In this case we did not get a good result as local leaders were involved with parties or people to get illegal benefits.

Do you hold joint services with other religious groups?

We try to live peacefully together and in mission areas we try to build up a good community to meet with Hindus, Muslims and others to arrange programmes, for example at Christmas.

When you invite people to such services do they come?

Yes, they are interested in enjoying and celebrating Christian festivals and marriage ceremonies.

Do you go to their ceremonies?

Yes.

Do leaders or congregations go?

On the government side there are many programmes with other religious communities. It is an effective programme and involvement is good. This year we joined a Muslim-Hindu-Christian programme; it was a good environment.

Are there attacks on religious minority groups?

Last year we had a few numbers of problems with pastors mistreated by extreme groups. Pastors received threats through SMS and phone calls. The caller mentioned they were part of an extremist group but they gave a false name so we do not know who they are.

Does this happen to Hindus as well do you know?

Yes, to Hindus too. The number of Hindus used to be higher – now it is down to 9 per cent. As Muslims grabbed their lands the Hindus moved to India. One Hindu community I know had three brothers – one brother moved to India after 2-3 years because the Muslims tortured their people. Hindu people do not eat many foods, for example cow meat. Muslim people cooked beef and they ate it near the Hindu people. This is not physical torture but a mental torture. Sometimes there is physical torture. Many Hindu people have left this country. Many Hindus came to me wanting to become Christian. Muslim leaders went to Hindu people and threatened them because of their conversion – if a Hindu becomes Christian then the Christian community will become stronger.

So there are Hindu converts to Christianity?

Yes. This year 4 families converted to Christianity and 3-4 families left for India because of Muslim land-grabs.

You mentioned the threats against pastors. Does treatment go any further than threats?

One of my pastors received three letters and SMS and went to the police station. The police force protected him – the police stayed in the mission campus.

Is this protection in place now?

Yes. In the Khuma areas pastors got letters from extreme groups.

Is protection in place now in this case?

None presently but protection was provided at the time.

Are you aware of any instances where Christians have been physically attacked?

Physically, sometimes. In Dhaka in 2012 I was attacked by an anonymous person. When I was going to my office a person with an iron rod attacked me from behind. I went to the police but they did not register the case in the police station.

You think you were attacked because you are a Christian?

Yes, because I am known as the chief pastor in that area.

Was the attack investigated?

A GD [General Diary] was filed. Muslim people came and said the person did not know I was a Christian leader, that I should please forgive him. The person had links with extreme groups.

[Other comment]

For Christian converts from ethnic groups, the Government cannot recognise them. We need to build a church building when they become Christian, in the rural areas. In our country when people see a church, people can see that this is a Christian community, like when they see a mosque and can see that it is a Muslim area. We need visible identification, even though Christian identity is our identity. Saudi Arabia is providing money for mosques in Bangladesh. There are lots of mosques but the Government needs to establish churches. The Muslim community are trying to establish their identification strongly. If we stay here then we need to establish our church buildings.

Meeting with a representative from Boys of Bangladesh (BoB), 24 May 2017

A representative from Boys of Bangladesh stated that originally the group was for males only, but there was now some female representation.

The representative described the terminology used in Bangladesh for LGBT persons. Since two LGBT activists were murdered last year the generic term LGBT has been used more widely. Prior to that the ['Western'] terms gay, lesbian, bisexual were used. There are also hijra, who may identify as gay, transgender or as cross-dressers. They have their own culture, community and leaders. But there are other transgender persons who do not identify as hijra.

When asked if gay men and lesbians could live openly in Bangladesh the BoB representative replied 'No, definitely not'. Not in urban or rural areas. The representative added that 3-4 years ago gay people were not even recognised (by society) in Bangladesh. Whilst gay people do date, in the eyes of society this is just seen as a friendly encounter. Few gay couples choose to live together as this would mean coming out to their family. Some may enter into 'straight' marriages but may continue to have gay relationships (affairs) following this. In the last year there has been an increase in the number of LGBT persons leaving Bangladesh (for Europe) as they felt threatened following the attack against the gay activists last year.

On the treatment of LGBT persons, the BoB representative explained that men and women are treated differently in Bangladesh. For example, after graduation a girl is expected to get married and the family may pressure her to do this. If a girl is not married by a certain age (about 30) her immediate family would face pressure from wider family members and neighbours. In rural areas the youth, especially girls, are expected to get married at an even younger age than in urban areas – where the average marriage age is 23 – opposed to 16-17 years old in rural areas.

Boys, especially if they display feminine characteristics whilst at school/college, would be more prone to being bullied. There is also pressure on men to marry and keep the family name going, and the family wealth within the family.

The representative stated that the rise in use of social media, particularly Facebook, which has around 28 million users in Bangladesh, has seen a rise in hatred against

LGBT persons, which can be very demotivating. Following the recent arrests of gay men at a party in Dhaka, derogatory comments were made on Facebook, some with a religious stance, e.g. you will go to hell, etc.

In describing treatment by the police, the representative said that LGBT people are afraid to go to the police as they fear they might be prosecuted themselves (under Section 377 of the Penal Code). The representative explained that last year (2016) the LGBT community wanted to go on a Rainbow [Pride] Rally. However, 4 arrests were made before the rally [that was ultimately cancelled] for no apparent reason. The arrestees were released 2-3 days later. At the recent raid of a private party of gay men the police said they (the men) 'believe in homosexuality'. But a person cannot just be arrested/go to jail for being gay; they have to be caught in the act [of committing same-sex acts]. So the men were arrested and charged on drug offences. The faces and names of the men were made public in the media, which was irresponsible when the LGBT community are already facing death threats. We haven't yet heard from the men who were taken into custody. There have also been stories in the media on how to recognise a gay person, for example, if you seen a man checking out another man he must be gay. This is ridiculous, said the representative.

The representative was not aware of any convictions under Section 377 because of the need to be 'caught in the act'. Generally, other laws are used to criminalise gay men and women, such as the drug offences charges. But the representative was not aware of other laws that might be used.

The representative added that there was no police protection. When the murders of gay rights activists occurred she did not want to seek police protection herself as she felt she would have been at more risk if she admitted to working for a gay rights group. The representative said that lesbians would be unlikely to go the police for protection for fear of having 'trumped up' charges made against them – especially due to police corruption – and to pursue a case would mean giving more and more money. They would feel they would not get protection; it would just be an additional problem to deal with. However, the representative added that there may be exception;. influential families, or those with a political family background, might be taken more seriously by the police.

The representative considered that discrimination against the LGBT community was greater in urban areas as society were more aware of differences.

The representative stated that men who have sex with men (MSM) also feel pressure even if they don't identify as gay. Using the MSM label makes them more prone to discrimination. The gay rights group Bandhu tend to use the term MSM rather than gay so as not to draw attention to gay men. MSM is also used in the context of healthcare.

The representative thought the risk for gay rights activists was higher than for ordinary gay men and lesbians as they are more in the public eye. Now many would not want to come forward and be in the public. After the gay activist murders many other activists faced problems at home. They themselves were seen as gay because they worked with the murdered activists. Higher visibility means higher risk.

When asked if gay men or lesbians could rent a property together the representative said that they could, but they would not say that they were a couple. People were not

comfortable giving rooms to rent to young single men or women but it wouldn't be impossible.

Hijras

The representative believed that the situation for hijras had improved because they have recognition as a third gender but they still need a lot of support from the government. They have recognition as a third gender on National ID cards. However, there was still difficulty in finding employment and little was done to ensure their equal rights. Being recognised as a third gender is only good if it comes with the benefits for other genders. There were lots of organisations working with hijras.

Society saw hijras as a 'public nuisance', although not all people held this view. However, some hijras were seen to harass the public, asking for money and threatening to expose themselves if they weren't given it. Some newly married couples, or those with new babies, give money to hijras for fear of being cursed if they don't. Hijras take advantage of people but if there was an established system for survival their situation would improve. But no one – government or private organisations – want to take the initiative. And those organisations that would help fear distancing themselves from their employees.

In rural areas hijra communities hold dramas, which people enjoying watching. Sometimes two or three villages will gather for these events. This happens less in urban areas.

The representative had not heard of any extreme cases of hijra being detained or beaten by the police. She added that even the police do not feel safe amongst hijras due to their strong network. The representative described an incident in which 2 hijras forced their way into the office where she worked and harassed the employees.

The representative said that even transsexual women who do not identify as hijra may still be termed as hijra. The term is used in a derogatory way against men with feminine characteristics, or with long hair. There is similar societal discrimination against transsexuals. The representative was not aware of gender reassignment surgery being available in Bangladesh, or personally aware of anyone having undergone such surgery, which was considered against Islam. If a doctor practiced gender reassignment surgery in Bangladesh they would be seen as going against Islam. She thought that most people would travel to Thailand or India for the operation.

Access to healthcare

The representative had not heard of cases of discrimination against LGBT persons seeking medical treatment. However, if a sexually transmitted disease had to be explained (thus revealing the persons sexuality) the situation might be different. Hijra would face greater discrimination because they look different. AIDS is still considered a 'gay disease'. The gay rights group Roopban set up an event – a safe place – for HIV testing. Treatment is available for HIV but people would fear talking about their sexuality.

The representative described her own experience of coming out to her family, who sent her to three psychiatric centres. She was prescribed medication to 'cure' her. The representative thought this might be a common phenomenon that could happen to other people who came out.

Meeting with the Bangladesh Legal Aid and Services Trust (BLAST), 25 May 2017

Can you provide an overview of your organisation and work?

BLAST is the Bangladesh Legal Aid and Services Trust. We are a legal aid NGO. We provide legal aid to individuals and communities among disadvantaged and poor people. The majority of our clients are women. We also support people with disabilities, children, workers, members of religious minorities and indigenous peoples across the country, subject to a means and merit test. We work with human rights and advocacy groups and also government bodies, in particular the National Legal Aid and Services Organisation. Our head office is in Dhaka. We have 22 district offices and Panel Lawyers in 64 districts. We work in prisons, through our paralegals, in a project funded by DfID/ GIZ [Deutsche Gesellschaft für Internationale Zusammenarbeit] and in a project led by the Bangladesh Government. We provide legal aid including alternative dispute resolution through all court levels, up to the Supreme Court. We also undertake public interest litigation and research and advocacy on access to justice. We were founded in 1993 and our Trustee Board includes former Ministers, Supreme Court judges and eminent jurists.

Do you provide services to women who may be more affluent?

We provide legal advice and ADR [Alternative Dispute Resolution] – mediation. Mediation is the first priority where it is legally permissible and if the client/beneficiary wishes to follow this process. If a wife complained about her husband with respect to any matter which can be mediated, we would try mediation. They take their own decisions and if mediation fails a legal resolution will be sought. Our individual legal aid is means tested. However, we provide free consultations irrespective of means in relation to cases of domestic violence and some other areas.

We have policy guidelines about who gets help. We have sexual harassment prevention and punishment policies. Our policies are all available on our website.

We work with different Government departments and also as part of a project being implemented by the LGRD [Local Government Rural Development] Ministry with support from the UNDP [UN Development Programme] in rural areas about village courts.

You mention mediation. What would happen, for example, to a woman who was beaten many times by her husband? Would you provide her with Legal Aid?

Yes we would. We try to establish the rights of the wife in such cases as noted above.

Judiciary

Can you comment on corruption in the judiciary? Is there corruption at the higher levels?

We cannot comment on this.

We heard reports of payments – speed money – within the court system.

This happens at the lower level, of courts, particular with bench clerks, support staff and the police. Judges are fair and honest. There may be some exceptional cases; these are the cases that reach the newspapers. There is a perception of widespread corruption in many institutions.

Police and security services

What about corruption within the police? Does bribery happen, in order to file a case for example?

It is widely reported.

Is the Special Powers Act still implemented?

Yes. It is mainly used in arms cases. It is rarely used in detention cases now though there are specific cases filed still.

Do you need a licence to hold arms?

Yes.

Are other laws used in place of the Special Powers Act?

There are other special laws such as the Explosives Act, the Arms Act and the Anti Terrorism Act. There is a provision in the Special Powers Act for preventive detention but now this is rarely used.

Prisons

How many prisons are there in Bangladesh?

There are 68 prisons. The official capacity is 34,706 but the population is regularly near 70,000 – almost double. There are a disproportionately high number of prisoners under trial – about 70 per cent. This is a great problem for us. We cannot conclude trials on time and people lose years of their liberty with no redress. 2.3 million cases are currently pending. There are 95 Supreme Court judges, 1,800 district judges.

Is there overcrowding in all prisons?

Yes.

Are some prisons worse than others?

Yes. Dhaka is worse. The official capacity of Dhaka jail is 2,682 and the actual capacity is 7,800 – this is clearly over capacity. BLAST is implementing a project, the Improvement of the Real Situation of Overcrowding in Prisons, led by the Ministry of Home Affairs and Ministry of Law and Justice and Parliamentary Affairs, aimed at reducing prisoner numbers and speeding up trials. We are trying. It is a great problem for all of us, right through the criminal justice chain.

Are there regular cell sizes?

They are not all the same size.

How many people are in a cell?

About 25. It is a room, not a cell.

How big is the room?

I'm not sure exactly.

Can prisoners sleep there?

Yes.

Do prisoners sleep on the floor?

There is a mat and pillow.

Is food provided?

Food is supplied but it is not sufficient.

We have restricted access to prisons. We can visit the "safe room". The condition of the toilet there is very bad.

Are male and female prisoners separated?

They can be in the same prison but in separate areas. Nowadays it is improving – there is one female prison.

What you do mean when you refer to the 'safe room'?

It is an area for children, under -18s. Under our law an under-18 is a child. Nowadays we are implementing the prison reform project (mentioned above) about how to treat women prisoners. There are ongoing discussions and this is a continuous process. There have been cases of mass arrests from time to time when the political opposition has announced programmes, and this leads to a prison capacity crisis.

Do inmates have regular access to lawyers?

Yes. If a person is detained lawyers and relatives can meet with them. But they do not have facilities to speak easily, and have to usually shout at each other through metal bars. It is not the usual practice for lawyers to meet clients in prisons. And it is very rare in cases where clients are poor or disadvantaged.

It is better now because of the work of non-governmental organisations. The Government has some programmes including the project mentioned above (IRSOP) on reducing prison overcrowding. Conditions are becoming better but they are still not up to the mark because of the overcrowding.

If prisoner numbers were within capacity, would conditions be ok?

No there would still be issues to deal with.

Just ok?

Yes. The Government is now paying for food and clothing for all prisoners.

Do families have to provide anything extra?

Yes. Prisoners can pay the authorities officially to provide them with certain facilities. For example, it costs 1000TK to eat from the canteen, rather than normal prison food.

Do prisoners get money?

No. Families provide this by depositing 1000-2000 taka into the prison authority's fund for the inmates. If a prisoner wants more things, the price of commodities, such as toothpaste, soap, medicine which is not available in prison and the extra food is deducted from the amount 'deposited' by the family.

How often do prisoners get money?

When the family visit. The Government does provide food. Poor people depend on the government supplies. In addition, prisoners can eat from the canteen.

Is there access to healthcare?

Yes. A medical officer visits every day. They provide medicine and other things. If a patient is seriously ill they can be treated at Dhaka Medical College. But medical facilities are poor.

There is ongoing medication?

Yes. Medicines are supplied by the government for ongoing health conditions.

Is there corporal punishment?

Yes. We worked on a project in 2010 where we filed a case because there was so much corporal punishment in schools. A judgement was made and the schools have tried to improve. The Ministry of Education and district and village schools are working on a project with the National Human Rights Commission so the situation is now under control, but it will sometimes happen in schools. There is monitoring.

Thank you. We meant whether there is corporal punishment in prisons?

There may be. We have identified nine laws which still sanction corporal punishment of children including in institutions.

Are prisoners kept in isolation?

There are no laws that allow isolation, but this depends upon the prison authority's decision based on the character of the prisoner.

Can prisoners go outside and exercise?

We do not know.

Police

What is the status of the national police computer?

I don't know.

Can a person report a crime at any police station, regardless of where the crime occurred?

It has to be in the jurisdiction of where the crime took place.

It couldn't be elsewhere?

[Clarification] Yes it could. Section 154 of the Criminal Procedure says that an office is bound to take the complaint of the complainant.

What are the avenues for recourse for victims of police abuse?

There is a law the Torture and Custodial Death Prevention and Protection Act 2013. If a person is tortured by police and RAB they can file a case. It is a strong law. They can file to a district session judge or a Superintendent of the police. There was a judgement – on Section 54 and 167 of the Criminal Procedure Code – a landmark judgement (Bangladesh and others v BLAST and others), which gives guidelines for law enforcement agencies.

Is this judgement available online?

Yes. It is on the Supreme Court of Bangladesh website and also on BLAST's website. See Civil Appeal NO. 53 of 2004 at http://www.supremecourt.gov.bd/resources/documents/734650_Civil_Appeal_No_53_of_2004_final_2016.pdf

When was this judgement made?

Last year [2016].

In your view do people have confidence to seek police protection?

Not in all cases. A person can be reluctant due to fears of reprisals, of not getting protection or relief and fear of extortion or bias.

Why?

There are reports of corruption allegations against the police. Not in all cases, it is more a general perception. There are issues of bias and influence.

Would a woman subjected to violence be able to get protection?

Not in many cases. There are some 'model police stations' set up under an earlier police reform project supported by UNDP. However there have also been reports of police turning women complainants away from such stations.

Are there women's desks at police stations?

No. Under the Children Act, Child Affairs desks are to be set up in all police stations. These have been operationalised in some but not all police stations.

Would an LGBT person be able to get protection?

It [homosexuality] is considered to be criminalised by section 377 of the Penal Code. There are instances of known LGBT activists being murdered in their own homes by extremists (Xulhaj Mannan), and investigations still being ongoing even after a year. Many LGBT people are afraid to seek police protection.

What if a person was attacked because of their sexuality?

They would be able to seek protection in theory like any other person who is attacked; however their sexuality if known may inhibit the response they receive from law enforcing agencies or the judiciary, or even health providers. There is very little research on these issues. We are trying to change things, we provide Legal Aid where possible. If anyone is charged we provide Legal Aid. The disposal of cases is complex but we are trying.

Is ADR reducing the caseload?

Lawyers are generally not interested in ADR, because they don't get paid for a case. Lawyers often give advice not to dispose of matters through ADR. It is a problem. It is the same in Pakistan and India, former British colonies, because of the 150-year old laws. People are reluctant to admit guilt, even if they are caught red-handed. We are trying to motivate the judiciary to use more ADR where possible.

Meeting with Kajal Debnath, Hindu leader and Presidium Member of Bangladesh Hindu Buddhist Christian Unity Council (BHBCUC), 25 May 2017

Kajal Debnath is a representative from the Bangladesh Hindu Buddhist Christian Unity Council. The organisation aims to protect the rights of religious and ethnic minorities, including indigenous people living in the Chittagong Hill Tracts.

Very unfortunately and surprisingly minority religions find themselves fighting for their existence. At the time of Independence [1971], they constituted about 20 per cent of the population. As of the 2011 census, religious minorities comprised of 9.7 per cent of the population, 8.4 per cent of whom are Hindus. The percentage of indigenous people living in the Hill Tracts was at 98 per cent but is now to 48 per cent against 52 per cent of other Bangladeshis.

Many Hindus have been forced to leave Bangladesh to go to India and across the world, while Christians are moving to the West for economic reasons; but there has been no research carried out to find why people are leaving.

During the liberation war in 1971, Awami League as a political party but Hindus in general were the main targets. Unfortunately even after independence this mindset hasn't changed much but varies in degree with the change of government. Hindus are targeted for their land, homes, businesses and women. The government and society attack Hindus for these reasons. Whenever things go wrong anywhere in the world there is a backlash on Hindus in Bangladesh. Like Babri Mosque in India in 1990 & 1992 and even when the United States of America (USA) hit Saddam Hussein, thousands of temples were attacked, daughters were raped, and as a result Hindus left to go to India.

There are around 50,000 Hindu temples in Bangladesh. Worship of Devi Durga is the main annual festival of Hindus in the country. Though every year Durga Puja pandals are increasing in Bangladesh, last year which was around 29,000 but the number of worshipers i.e. the Hindu people are decreasing.

Hindus are spread across Bangladesh, but are mainly in the South, where in some places even up to 40 per cent and in the North about 20-25 per cent. Torture takes place in the most populated areas of which there are pockets throughout the country. Societal relations are positive, and people mostly believe in co-existence and inclusive politics. However, politicians exploit rural people in the name of Islam and provoke, at times, even the govt supports the culprits. Bangladesh is gradually becoming more Islamic in attitudes, laws and education policy.

The Awami League are also gradually becoming more religious – day to day; dress (is more Islamic); education; policy; but the Awami League govt is still a comparatively minority-friendly government.

In the 1950s, the party was known as the “ Awami Muslim League”. Later in 1954 it dropped the word “ Muslim “and the party was named as “ Awami League “ which lead the 1971 war of liberation. Now from the attitude of the party it seems it is again not only heading towards ‘Awami Muslim League’ but rather ‘Muslim Awami League’.

Torture is very common and terrorism is worldwide. Social media has been used to blame a misdemeanour on the Hindu community using Facebook posts – which spread very quickly and widely. There have been hundreds of incidents where it has been posted that Hindus have done something – when they have not. Hard copy posters are also displayed in villages following such an event. Eventually the police acknowledged saying that the Hindu community had not been responsible as claimed, but by then temples had been totally destroyed and houses burned.

For Hindus both pre and post election periods bring torture by members of political parties. 80 per cent of torture is carried out by political parties.

Torture

The representative described torture of Hindus as consisting of burning of temples; attacking the Deity, physical violation of priests, women, men and the taking of property. Finally a Hindu area is left desolate. The last attack in Nasirnagar, Brahmonbaria took place three months ago. Hindus were the worst victims for a Facebook post generated by the followers of the Awami League district president and local sitting minister due to their internal clash.

Protection

It is possible to have protection from the police. Over the last two years police have been more proactive in providing protection. After the Hindu leaders spoke to the Prime Minister, saying there was no support for Hindus and that this was a terrorist issue, the police now rush to assist. In the fresh recruitment of last 2 years, the police have recruited Hindus in the police service including officers, which is around 8 per cent of the freshers. But there are no fresh recruitment of Hindus in the army as officers.

Before the Holy Artisan Bakery terrorist incident in July 2016, there were attacks, thought to have been scattered, on at least 25-30 Hindu temples, also on church and mosque (Ahmedia) in which mostly Hindu priests, Christians and even Muslims were killed.

Since the Holey Bakery, the government has taken the attacks on the minority religious communities seriously as an anti terrorism move.

The main contradiction in our constitution is secularism and state religion .The Constitution is claimed to be secular although the state religion is Islam. Though state religion is different to an Islamic republic but having a state religion in the constitution, the message given from the root level to every citizen that it is an Islamic republic.

Meeting with Sanjeeb Drong, a member of the Garo indigenous community, writer, columnist and General Secretary of the Bangladesh Indigenous People's Forum, 25 May 2017

Sanjeeb works with indigenous peoples in Bangladesh advocating for their human rights, land rights and civil and political rights and identity and cultural issues. As a writer and columnist he is the editor of indigenous magazines and has presented internationally. He is a member of the Bangladesh Hindu, Buddhist and Christian Unity Council. He also raises indigenous issues with the government.

There are 48 District indigenous communities, mainly sited in the North and Sylhet down to Chittagong in the South.

A Peace Accord was signed in the Chittagong Hill Tracts (CHT) in 1997 between the Government and the indigenous people's after an armed struggle.

Almost 99 per cent of the indigenous population are non-Muslim; they are mainly Buddhists, Christians, and Hindus. Whilst religious minorities face human rights issues, most indigenous people face problems linked to their land.

There are 3 million indigenous people in Bangladesh, constituting 2 per cent of the population (as recorded by the government census). 800,000-1 million of that population live in the Chittagong Hill Tracts (the majority of whom are Buddhists) and 2 million live elsewhere.

There is a Parliamentary caucus of indigenous members.

Land grabbing

Indigenous people are losing land every day and the situation is becoming worse.

Bangladesh has a huge population compared to its geography – there is great pressure on the availability of land, which is limited, but people are still buying land. One tenth is occupied by indigenous peoples but the government is denying them their ancestral rights of indigenous lands, and grabs land.

In 1900 under the British rule the Chittagong Hill Tracts Regulation Act was enacted, which recognises the ownership of the Hill Tracts to the indigenous peoples and that it cannot be purchased by outsiders.

The indigenous people even had some rights in [what was then] Pakistan, but after 1971 nothing was written into the Constitution about the rights of indigenous people, so those rights have gone. The government has declared some indigenous land areas protected, such as forests, which were set aside as national parks; but this was not agreed with the indigenous people who lost their ancestral land as they were forced out. There was no compensation as the people were not able to show land deeds. In the indigenous culture land is sacred and not something that needs to be registered. In the event, the land could not be registered.

Since 1947 land has been taken and many people have migrated, leaving Bangladesh to go to India. At that time the population of the Hill Tracts area was 97.5 per cent indigenous and 2.5 per cent Bengali. Then the government sponsored Muslims to settle in the Hill Tracts; half a million settlers came between 1977 and

1980. These (the Muslims) were poor people, bad people, people who were provided food supplements. At the time young indigenous people took arms.

Since 1971 the population of Bangladesh has doubled to 160 million.

By 1980, there was militarisation and the population of the Hill Tracks area was roughly 50/50, with the same number of indigenous people and Muslims. Muslims established 300 mosques in indigenous areas, which couldn't be touched. Now it is said the indigenous areas are becoming Islamised.

Indigenous people say they will fight against the land grabbing, but they are fighting against corrupt people. If they had land titles like the Bengali people it would not be a problem, but even in those circumstances, someone will come with a 'new paper' showing changed ownership, even if that isn't the case.

Some indigenous people take cases to Court, but it is a very long drawn out process and can take 10 years. In the past, few people went to Court, but now the need to defend the land is more crucial.

In November 2016, some indigenous people were arrested for their violent resistance and attempts to protect their land. The police helped the criminals. Land and houses were burnt, three people were killed who were 'black' indigenous people, provoking much discussion in the country.

It is very difficult to fight. The politicians are not sensitive to the indigenous issue. They are corrupt. They are not respectful of the cultures of the country. The problem lies in the 1980 Constitution.

Religion – Christianity

Some of the indigenous people are Christians. In the past foreign missionaries came to the Hill Tracks area, but now no missionaries come from America or from the United Kingdom (for example the Baptist Missionary Society), the government is not happy for them to go to the Hill Tracks. Now only local Bangladesh missionaries are allowed to go. It is still possible to build new Christian churches in the area, but depends on the location and there is only permission to build in wood and straw – no brick built constructions are allowed in indigenous areas.

Employment

There is also eco-tourism, which the government has organised. Eco-tourism is a 'problem', because it is happening only on indigenous lands. Roads shouldn't be allowed but they are still built.

Indigenous people can take any type of work, including in non government organisations (NGOs) and government. There is an unwritten rule that some government jobs – police, army – are not for indigenous people.

Education

There are no good study places. From experience, the education rate is very low. Less than 20 per cent of indigenous persons can write their name; 80 per cent are illiterate. There is a lack of [government run] primary schools, although there are a few, but there are Catholic and other church schools such as those run by Seventh Day Adventists and the Anglicans. Most indigenous children go to these church

schools for free. Other schools are too far away; children would need to board, which makes that option too expensive.

Health

If indigenous people get sick, they do not go to hospital, they are more likely to go a witch doctor. In remote areas and rural villages, indigenous peoples normally do not go to the doctors when they get sick. There are a lack of health services.

Islam

The USA describe Bangladesh as a moderate country, but Islam is very prominent. The hijab is now very common, but wasn't before.

If the indigenous people hold a public event, because of the [Islamic] call to prayer five times a day, they have to stop their event, otherwise it will be negative for them.

During Ramadan, people are woken at 3.30am by a voice calling them to wake up – [and saying] sleep is bad, wake up. Businesses and restaurants on the 5-6 hour journey from Dhaka to Sylhet will be closed, but there are Hindus and some Muslims who are not fasting.

TV channels also reflect a shift to an Islamic way of life. The mindset of the country is already set to Islam. This was not an issue 30 years ago.

It is not a problem for indigenous people to live in Dhaka - it is metropolitan but in the smaller towns there are big problems. Indigenous people eat pork and the girls dress differently, less conservatively - often without headscarves - but they are plagued by older women telling them to wear scarves.

There should be respect for all people. The civil society is good, but it should be more progressive and promote capacity building among the indigenous people. There should be policies for indigenous people.

Meeting with a source, 25 May 2017

Can you comment on the situation for religious minorities in the country?

The constitution says that minorities should be treated equally, although the state religion is Islam. The numbers of Hindus are heavily decreasing – many have gone to India. It was 30 per cent, now it is 9 per cent. The Christian population has also decreased – now 5 per cent of minority religious people are Christians. Around 10 per cent of people are minorities, 9 per cent of them Hindus. If Hindus decrease then only Christians and Buddhists will be here – the minority of the minority. We cannot do this. Pressure is there – it is why Hindus are leaving. India is to blame as well; they want Hindus to go there.

Religious minorities experience torture and harassment. This is not only an issue in our country; it happens outside the country as well. When the British left there were church lands left. These have been land-grabbed by the law authorities. We are fighting to make it free but we are not getting any proper assistance from law enforcement agencies. Even the Land Minister knows the issues but this is not being settled, even though there are reports in the newspapers about this. This means that something is wrong – minorities are not being treated properly. The Government is

getting powerful – that there is no strong opposition is a problem. There is a gap in politics. It is not functioning. The one thing we appreciate is that the present Government are strong against the terrorists. But if we try to exercise equal rights we don't get them.

Does this lack of equality happen in other areas as well as land?

We are a little bit marginalised, although technically discrimination is not allowed.

We hear that the Awami League is traditionally supportive of religious minorities.

MPs are not working properly. They never see the minorities. The Government is ok, the Constitution is ok, but Parliament and the culture are not. Practically it is not working. And finally – they are Muslims. Muslims are powerful and we are not. Hindus are also facing torture.

What do you mean by torture?

There are different forms – threats, rape, arson. Many things happen. Temples are burned. There are land grabs. We cannot get any justice.

Does this happen frequently?

Not very. Occasionally. And systematically, in a planned manner – not from the top - it's local. During elections the opposition think that Hindus give their votes to the Awami League so they say 'let's do something against the Hindus'. It is the same after the election too. The Hindus are also encouraged to go to India by the Modi government.

Can you comment on community relations between religions?

In general it is good. It is better than in Pakistan.

Do people of different religions live as neighbours?

Some places are mixed, especially in the cities. In rural areas it may be more separate. This is now being slowly lost as Muslims come into communities. It is a different type of culture – mosques, the loudspeakers, it is intimidating for Christians. If Muslims move to Christian areas they come with some power. You cannot eat whatever you want to eat. We ask Christians why they cannot rent – they say that Muslim owners do not allow Christians to rent – they know Christians will want to eat pork and sing songs. But some Muslims do rent to Christians as they know they will pay the rent on time. Food is a problem. Missionary schools are pressured from those of other faiths. There are only a few Christian students. We run these schools and they are very popular. 90 per cent of students at Christian schools belong to other faiths – Muslims enrol their children in Christian schools because they are considered very good, especially primary schools.

Are there community tensions in schools?

We build good relationships. The Governing Board does not allow problems but the Muslims create problems. CRP [Centre for the Rehabilitation of the Paralysed – Bangladesh] is a renowned organisation, working with the paralysed. They faced problems when the Muslims came onto the board.

To clarify: Muslims accept a Christian curriculum in schools?

No. It is a Government curriculum.

Do you foresee a time when the curriculum becomes more Islamic?

The curriculum *has* changed. There are some in Government who are working to promote Islam and are influential. There has been political pressure, but there have also been Muslims protesting about this which is good – people don't like the Government dealing with fundamentalist groups. Culture unites us – there are national Bengali festivals in the year. All minority religions would come together and invite Muslims, for example, to Christmas events, but now this doesn't happen. The global situation influences the whole situation. The US attacks Afghanistan and the Muslims see this as a Christian attack on Muslims. Christians are then attacked in Bangladesh. There are rapes of Hindu women, the killing of bloggers and threats asking us to leave the country. There has been an increase in extremism in the country.

Threats?

Yes. It happens. It is hard to know which are true and which are not.

Do these happen often?

No. There are some individual attacks. For example, a Christian doctor was attacked last year. The Archbishops of the Catholic Church talked to the Government about it. We are the minority within the minority so Catholics face this problem. It is very political.

Can you comment on the situation for Christian converts?

There is more harassment and ill-treatment. It depends on the family background – some families do not bother. These families tend to be well-educated. I've conducted mixed marriages, between Muslims and Christians. Mixed marriages can take place.

Are mixed marriages becoming more common?

These are not common as many in the Church are not ready. It is not encouraged to marry outside one's faith. It is allowed in strong love affairs where you cannot separate them. If there was less terrorism then more mixed-marriages would take place. 80 per cent of Muslims are at risk if they become Christian. They may face death because of apostasy; some keep their conversions secret.

At risk of what?

They would lose property, their inheritance. They are thrown from the house. Some are killed.

How have you arrived at the figure of 80 per cent?

It is a guess. The threat in mixed-marriages is that one side will be slowly brought into Islam; integration is at the risk of losing their faith. Challenges in our country are economic growth and the growth of extremism. Muslims don't like to allow mixed-marriages. People fall in love but mixed-marriage does not happen because of threats.

Can a person at risk get protection?

By law and the constitution they should but they don't.

Is this because Christians are at risk from the authorities or because protection is ineffective?

Christians are not politically involved. Christians may get comfortable words - but nothing more. Functionally it [protection] doesn't work.

So this is about power and connections rather than religion?

It is but religion is an added problem. Personal relationships can sometimes help, for example in getting good healthcare.

Can you comment on the situation for atheists?

In Bangladesh people don't say that they are atheists. The environment means that people will get isolated by the society. Without religion you don't have an identity here.

Would a Christian convert from Islam not publicise for the same reason?

Yes.

Would it be noticed if a Muslim renounced Islam?

Not going to the mosque is not a big problem. Many Muslims don't go to mosque. There is a growing secularism coming in and many don't bother with religion at all – singers, artists are like this. Muslims are slowly getting inclined to Muslim practice.

So, there is a growing secularism or a growing Islamisation?

Both. It causes clashes. But it is difficult to give an answer. Saris are declining and we see more burkhas, the modern form of burkhas. There is halal meat everywhere. Thirty years ago this was not the case. Jihadism has increased in the rural areas.

We heard that many of the terrorists are well-educated, they do not fit the profile of someone who is poor and uneducated.

In a few universities, yes. Here there is a strategic way of preaching Islam – through the use of Facebook and the internet. In the rural areas, audio cassette tapes are used. Men are more powerful than women, they can exploit the women. This is very straightforward in Islam – women are a sub-class.

Meeting with Western officials, 25 May 2017

A Western official gave an overview of the human rights situation in Bangladesh.

Law enforcement agencies, particularly the Rabid Action Battalion (RAB), were seen as committing abuses, including extra-judicial killings (EJKs) and abductions. Reports of police extortion were widespread.

The judicial system was seen as corrupt – there were reports of judges being bribed – and a huge backlog of cases prevented the delivery of justice in a reasonable time frame.

The Western official stated whilst the Bangladesh government had limited resources to help Rohingya displaced from Burma, they were cooperative with relief agencies

such as the International Organization for Migration and UNHCR. However, the recent large influx of refugees had changed the situation; Bangladesh did not plan for the Rohingyas staying long-term but there was no course of action for returning them to Burma.

There have been incidents of violence against the Hindu community in Brahmanbaria district over the past year, including land grabbing. There is a concern that minority rights were not being protected.

The Western official considered it was difficult to be a member of an opposition party. There were reports of arbitrary arrests reported, including against members of opposition parties, but these could not be independently verified. The BNP remains a viable party.

Political student wings – the Chhatra League and Jubo League – committed acts of violence and extortion and were not held to account. Not all students in these groups act in this way; some genuinely want a future in politics.

The environment was not conducive for LGBT rights and the recent arrests at a party of gay men was a concern. As far as the Western official knew, this was the first time the RAB had taken such action. The murder of the editor of gay rights magazine Ropban in 2016 had still not been solved and no arrests made.

The official stated that there had been no hartals over the past year. There was the anticipation of violence occurring at the next general election, due at the end of 2018. Violence at elections is a cyclical problem.

Whilst religion played a role in politics, the official thought that the main parties were political first and foremost. JEL had more of an Islamist policies and the BNP was historically associated with them. The Awami League (AL) was viewed as more secular with ties to Hindus and other minority groups. Recently the AL had faced criticism from secular groups for working more with religious groups including Hefazat-e-Islami, which largely draws a space from unregulated madrassas and follows a curriculum dating from the 19th century. Because of this curriculum, graduates from such madrassas were seen as not having sufficient opportunities for employment. So to change this, the government recognized Qawmi madrassa graduates as having degrees in Islamic and Arabic studies. Recently school text books have changed introducing more Islamic religious content. The official identified a DW article on this: <http://www.dw.com/en/bangladeshs-secular-activists-concerned-about-textbook-changes/a-37398705>

The official noted the government is concerned about extremism being promoted among youths.

The official stated that there was a decreasing Hindu population. The environment was not welcoming to be outwardly atheist.

LGBT persons would not approach the police for protection.

Both the police and RAB have a phone 'App', website and a Facebook page.

It was hard to gauge the public perception of the RAB or law enforcement.

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