

## **BANGLADESH**

Bangladesh is a parliamentary democracy of 155 million citizens. Prime Minister Sheikh Hasina Wazed leads the Awami League (AL) alliance, a 14-party coalition with a large majority of parliamentary seats. International and domestic observers considered the 2008 elections to be free and fair, with isolated irregularities and sporadic violence. There were instances in which elements of the security forces acted independently of civilian control.

Security forces committed extrajudicial killings and were responsible for custodial deaths, torture, and arbitrary arrest and detention. The failure to investigate fully extrajudicial killings by security forces, including several deaths in custody of alleged criminals detained by the Rapid Action Battalion (RAB), remained a matter of serious concern. Some members of the security forces acted with impunity. Prison conditions at times were life-threatening, lengthy pretrial detention continued to be a problem, and authorities infringed on citizens' privacy rights. An increasingly politicized judiciary exacerbated problems in an already overwhelmed judicial system and constrained access to justice for members of opposition parties. The government limited freedom of speech and of the press, self-censorship continued, and security forces harassed journalists. The government curbed freedom of assembly, and politically motivated violence remained a problem. Official corruption and related impunity continued. Discrimination against women, and violence against women and children remained serious problems, as did discrimination against persons with disabilities and against persons based on their sexual orientation. Trafficking in persons remained a serious problem. Violence against religious and ethnic minorities still occurred, although many government and civil society leaders stated that these acts often had political or economic motivations and could not be attributed only to religious belief or affiliation. Limits on worker rights and child labor remained problems.

### **RESPECT FOR HUMAN RIGHTS**

Section 1    Respect for the Integrity of the Person, Including Freedom From:

a.        Arbitrary or Unlawful Deprivation of Life

Members of the security forces committed numerous extrajudicial killings. Police, Bangladesh Rifles (BDR) border force, and the RAB at times used unwarranted lethal force.

The government did not release statistics for total killings by all security personnel. The government also did not take comprehensive measures to investigate cases, despite public statements by high-ranking officials that the government would show "zero tolerance" and would fully investigate all extrajudicial killings by security forces. The number of killings by police and combined security forces also increased. According to the media and local human rights organizations, no case resulted in criminal punishment, and in the few instances in which the government brought charges, those found guilty generally received administrative punishment. Some members of the security forces acted with impunity.

According to media reports, local and international human rights organizations, and the government, the RAB killed 68 persons during the year, compared with 41 the previous year. Combined security units consisting of RAB members killed 15 persons during the year. The deaths, some under unusual circumstances, occurred during raids, arrests, and other law enforcement operations, or, in some cases, while the accused were in custody. The government often described these deaths as "crossfire killings," "gunfights," or "encounter killings," terms it used to characterize exchanges of gunfire between the RAB or police and criminal gangs.

According to media reports, local and international human rights organizations, and the government, law enforcement officials were responsible for 127 deaths, 101 of which were attributed to crossfire. The RAB accounted for 65 crossfire killings, members of police were responsible for 21, and combined security units consisting of the RAB and police were responsible for 12.

Since 2004 when the Minister for Law, Justice, and Parliamentary Affairs stated that crossfire deaths under RAB or police custody could not be considered custodial deaths, the government has not disclosed any prosecution of a RAB officer for a killing.

According to the human rights organization Ain O-Shalish Kendra (ASK), 133 deaths occurred in custody during the year, including 74 deaths in prison. Many of the deaths were allegedly the result of torture.

According to Odhikar, a Bangladeshi human rights organization, on May 11, Mohammad Manik was arrested after being named in a theft case. While in custody in the Kotowali police station, Manik allegedly was tortured to death by the subinspector, Yunus Miah. Following the incident, the High Court ordered a full investigation. When the police commissioner failed to comply with the order,

the High Court ruled the commissioner and the subinspector to be in contempt of court.

According to Odhikar, on May 24, RAB officials detained Abul Kalam Azad and his son. They were interrogated separately at RAB headquarters, after which Azad died. Azad's son claimed that the RAB tortured his father to death.

According to Odhikar, on June 29, the Dhaka metropolitan police detained Mohammad Mizanur Rahman, along with three other persons. While they were in custody, officials took the four individuals to a bridge in Gulshan where a police subinspector, Anisur Rahman, interrogated and shot Mizanur and one other person. Doctors treated Mizanur at Dhaka Medical College Hospital, but he died as a result of his injuries. The Dhaka metropolitan police formed an inquiry committee to investigate the incident.

There were no developments in the investigation into the January 2009 case of Mohammed Habib. Police from Chandgaon Police Station arrested, tortured, and killed Habib and tortured his colleague Arif. According to police, the men were arrested on suspicion of importing drugs from India and were injured during their arrest. Following Habib's death, an "unnatural death case" was filed. According to the assistant police commissioner of the Chittagong metropolitan police, the three officers involved were suspended.

According to media reports, 59 BDR members arrested in the wake of the February 2009 mutiny died in custody. Family members of the victims alleged that they died after being tortured. According to Odhikar, several BDR members taken into custody claimed the RAB and police physically assaulted and beat them, administered electric shocks, blindfolded them, and hung them upside down while in custody; NGOs alleged that army personnel also were involved in custodial deaths. The government announced an investigation and promised to publish a report by July 2009 regarding the nature of the deaths but failed to publish any report. The government investigation ruled that only two members died due to torture and that the others died because of illness or suicide. At year's end, the government had not taken any action regarding the deaths or allegations of torture. Officials made little effort to investigate allegations of torture and deaths in custody.

There were no developments in the March 2009 case of Nayak Mobarak Hossain, a detective in the BDR security unit of the 18th Rifle Battalion in Cox's Bazar, who died at the Dhaka Medical College Hospital after soldiers allegedly assaulted him,

according to his family. Hossain allegedly had telephoned his wife to say he was being kept in poor conditions and tortured. His body reportedly showed signs of severe bruising, swelling of limbs, injuries to both palms, and broken joints. A local police subinspector in Dhaka, who was present at the medical examination, had opened a murder investigation.

There were no developments in the May 2009 case in which police officers and RAB members allegedly shot and killed Sayeedur Rahman Sayeed in a crossfire killing in Alamdanga, Chuadanga. The RAB and police claimed they were conducting a raid on a cemetery where Sayeed and his accomplice were holding a meeting when the two men opened fire. The security forces allegedly returned fire, killing Sayeed. According to witnesses, no gunfight took place and police and RAB staged the incident.

There were no developments in the May 2009 case in which a team from RAB allegedly killed two Dhaka Polytechnic Institute students, Mohammad Ali Jinnah and Mohsin Sheikh, in a shootout. Family members, fellow students, and teachers alleged Jinnah and Sheikh were members of the Bangladesh Chhatra League and did not have criminal records. The RAB alleged the two students were "criminals" and "muggers," and that they had stopped the students at a checkpoint for acting suspiciously.

The government did not conduct any further investigations into the alleged 2008 death by torture of Abul Hossain Dahli by police in Botiyaghata.

There were no new developments in the 2008 death of Fakir Chan in police custody in Maulvibazar. Chan's widow told Odhikar she was not financially able to pursue any legal case against his alleged killers.

There were no developments in the case against 16 officers from RAB who allegedly tortured to death Afzal Khan in 2008. Khan's father reported receiving various threats from the accused. In May 2009, according to Odhikar, following a petition from the victim's father, the chief judicial magistrate ordered local police to file a case. There were no further developments in the 2008 killing of Moshiul Alam Sentu, allegedly by officers from RAB. According to Odhikar, Sentu's mother claimed that she tried to file a case against the RAB, but no lawyers would take it due to fear the RAB would target them.

There was no further investigation into the 2008 killing of Mizanur Rahman Tutu by police officers. Family members told human rights groups they did not file a case.

There were no further developments in the 2008 killing of Anwar Hossain by police officers.

Politically motivated violence increased since the AL government assumed office, with opposition party supporters claiming harassment by ruling party supporters. Motivations for the violence often were unclear. According to Odhikar, 220 deaths were suspected of being politically motivated, compared with 251 the previous year.

Individual members of student wings from all major parties were responsible for numerous acts of on-campus violence. During the year auxiliary student wings were formally severed from the political parties and, according to media and human rights sources, many incidents of violence were related to criminal activities or personal as opposed to political vendettas. Despite the ban, some politicians from all major parties mobilized members of student wings for movements and demonstrations.

According to newspaper reports, on February 9, members of the Chhatra Shibir, the student wing linked to Jamaat-e-Islami, clashed with members of the Chhatra League, killing one Chhatra League member and injuring several others. Following the incident, police arrested dozens of Chhatra Shibir activists around the country and disrupted several of the organization's gatherings throughout the rest of the year.

According to press reports, on October 8, AL and Chhatra League activists attacked a Bangladesh Nationalist Party (BNP) rally in the Baraigram upazilla in the district of Natore, killing Upazilla Chairman, Sanaullah Noor Babu, and injuring several journalists. The case continued at of year's end.

There were no further developments on the case of Manju Morshed Shipu, the BNP activist killed in Mohammadpur in June 2009, by year's end.

There also were a significant number of reports of killings involving political party supporters, although there was no evidence of support from party leadership.

According to information gathered by Odhikar, 16 persons were killed and 1,127 injured in political violence in July. There were also 46 incidents of internal violence in the AL and four within the BNP. In addition four persons were killed in AL internal conflict while 410 were injured; 45 persons were injured in internal BNP violence.

According to information gathered by Odhikar, 220 persons were killed and 13,999 injured in political violence during the year. There were also 576 incidents of internal violence in the AL and 92 within the BNP. In addition 38 persons were killed and 5,614 persons were injured in AL internal conflict, and seven persons were killed and 1,146 persons were injured in internal BNP violence.

There were no developments in the June 2009 case in which seven to eight unknown assailants abducted and killed opposition BNP member Manju Morshed Shipu in Mohammadpur, Dhaka. According to police, Shipu had been shot in the left side of the forehead, and there were marks of beating on his arms, back, and feet. According to Shipu's wife, he was a potential candidate for ward commissioner in the city corporation elections. She believed his murder was politically motivated.

There were no developments in the 2008 killing of Mohammad Farman Ali by political rivals or the death of an individual following gunfire between AL and BNP activists.

At year's end, authorities still had not carried out death sentences in the case of three individuals from the banned Islamist organization Harkatul Jihad al Islami (HuJi) who were tried in 2007 for organizing a grenade attack at the Hazrat Shahjalal Shrine in Sylhet in 2004. Two others sentenced to life imprisonment were serving their sentences.

Vigilante killings occurred during the year, although figures suggested that the problem lessened or remained the same as in 2009. Odhikar reported at least 174 killings, but local human rights organizations acknowledged that the number of reported cases probably represented only a fraction of the actual incidents.

According to the *New Age*, on July 18, a mob lynched six suspected robbers in the village of Enayetpur in Gazipur. There was no investigation as of the end of the reporting period.

According to the *Daily Star*, a mob beat two suspected kidnappers to death in Kushtia Sadar on August 30. The deceased were identified as Somir Uddin and Ratan Kumar Das. Police were able to detain two members of the mob.

There were no investigations in the July 2009 killing by a mob of a suspected robber in Naranpar village in Comilla, the September 2009 beating to death of a carjacker by a mob in the Pallabi area of Dhaka, and the November 2009 beating to death of an alleged regional leader of an outlawed faction of the Purbo Banglar Communist Party in Roypur village in Gangni upazila.

There was no further investigation into the 2008 vigilante killings in Nasirabad and Kaliakoir, near Dhaka.

Violence along the border with India remained a problem, and the number of incidents increased by nearly 33 percent from the previous year. According to human rights organizations, the Indian Border Security Force killed 98 persons during the year. There were also reports that Bangladesh Border Guards, the new name adopted by the BDR, engaged in shootings along the border.

According to Odhikar, on January 21, Indian forces detained and tortured a 15-year-old boy whose family lived adjacent to the border. The boy was swimming in the river that demarcates the border before his detention. After his release, the boy died from the injuries he sustained during torture.

#### b. Disappearance

Disappearances and kidnappings, allegedly by the security services, increased significantly during the year, but precise figures were unavailable. At least some of the kidnappings were politically motivated, although many were often for money or as a result of localized rivalries. According to Odhikar, there were nine disappearances with alleged ties to security personnel, although some incidents may have involved private citizens impersonating security personnel.

According to the Bengali-language daily, *Prothom Alo*, on February 28, RAB officials picked up Mohammad Selim, a fruit vendor in Gazipur. At year's end, his whereabouts were unknown.

According to Odhikar, on March 19, RAB officials detained Mohammad Akbar Ali Shorder in Thakurgaon. He has not been seen or heard from since, and the RAB denied detaining him. His wife filed a kidnapping case, but there was no

progress as of year's end. On June 25, a group of men in a microbus abducted Mohammad Chowdhury Alam, a BNP city councilor in Dhaka. According to Odhikar, police foiled a previous attempt to abduct Alam earlier that month and detained the abductors. Odhikar's report stated that in detention the abductors identified themselves as agents of the RAB and subsequently were released. Several days later, a group of men in plainclothes pulled Alam from his car and placed him in a microbus. Both Odhikar and his family believe that the same group was involved in both incidents. As of year's end, Alam's location was unknown.

According to the Bengali-language *Shamakal*, in June a group of nine persons identifying themselves as officers of RAB arrested Jahir Raihan Hiron at his house in Dhaka. The individuals wore uniforms and carried RAB identity cards. The group told Hiron and his family that he was being taken to the Dhanmondi Police Station for questioning. His whereabouts were unknown at year's end.

There were no developments in the 2008 disappearance of Liakat Hossain, allegedly involving members of the RAB.

There were no further developments in the 2008 case of 16 men charged with kidnapping nine members of an extended family. There were no further developments in the 2008 kidnapping of 40 anglers from the Kachikhali coast of Pathorghata.

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

Although the constitution prohibits torture and cruel, inhuman, or degrading punishment, security forces including the RAB, and police frequently employed torture and severe physical and psychological abuse during arrests and interrogations. Abuse consisted of threats, beatings, and the use of electric shock. According to human rights organizations, security forces tortured at least 22 persons. The government rarely charged, convicted, or punished those responsible, and a climate of impunity allowed such abuses by the RAB and police to continue.

The criminal procedure code contained provisions allowing a magistrate to place a suspect in interrogative custody, known as remand, during which the suspect could be questioned without his or her lawyer present. During the year the government made efforts to limit the amount of time allowed for remand; however, these efforts were largely ignored by local magistrates. Most abuses occur during periods of remand.



According to Odhikar, on January 24, RAB officers arrested Mohammad Mohiuddin Arif and took him to the Pallabi police station. While in custody, officers moved him to the Dhaka Medical College Hospital for treatment and, at that time, he told his father that members of the RAB beat him on his chest and legs. Officers later took Arif back to the Pallabi police station, but he died after sustaining further injuries during subsequent interrogations. An unnatural death case was filed, but there was no arrest as of year's end.

On December 15, police detained Salahuddin Quader Chowdhury on an arson case stemming from the BNP's June strike. The International War Crimes Tribunal later charged Chowdhury with war crimes related to the country's 1971 war of independence. Chowdhury's family alleged that he was tortured during his initial interrogation, but police denied the charges. Chowdhury was later moved into protective custody and allowed medical treatment, but serious concerns regarding his health persisted.

According to Odhikar, on May 12, Rabiul Islam Khokon was tortured in remand, under court-ordered investigative custody, by subinspector Abdul Manan of the Noakhali Chatkhil police station. Khokon allegedly was beaten with metal rods, burned with cigarettes, stabbed with needles, and had several of his joints broken. After the torture, officials took Khokon to the hospital where he died of his injuries. Officials arrested Abdul Manan on the charge of murder, and he was awaiting trial as of year's end.

According to Amnesty International, on June 27, RAB personnel entered the house of BNP leader and former Dhaka mayor Mirza Abbas without a warrant during the opposition-led nationwide strike. Officials arrested Abbas earlier in the day on separate charges. During the incident, members of the RAB beat several members of Abbas' family and injured more than 20 persons. Officials made no further arrests, and no official investigation occurred after the incident.

There were no developments in the June 2009 torture case of BNP student leader Morshed Habib Bhuiyan Jewel by Kahalu police in Bogra. Jewel alleged that several times while in custody at the Netrokona Model police station three to four police officers blindfolded him, suspended him from the ceiling with handcuffs, beat him with sticks from the waist down, and poured hot water into his nose and mouth.

According to human rights organizations, there were at least six recorded incidents of rape and sexual abuse by police, officers, or armed forces personnel.

According to Odhikar, on July 7, Manik Rana, a member of the Bangladesh Army, raped a female factory worker in Ashulia. After her brother filed a case in the Ashulia police station, Rana was taken into custody. The case continued at year's end.

According to the Bengali-language newspaper, *Amar Desh*, on April 24, a police subinspector in the Betai village in the Jhineda District raped a homemaker after she refused his request for sexual favors. After the incident, the victim was hospitalized and the perpetrator was arrested. His trial continued at year's end.

According to *Prothom Alo*, on January 21, a police assistant subinspector in the town of Rangamati sexually assaulted and attempted to rape an underage girl. Police in the area only accepted the case after human rights organizations intervened. As of year's end, no charges were filed, and the officer was suspended but not fired.

There were no new developments in the February 2009 case of a member of an ethnic minority woman in the Chittagong metropolitan area who was gang-raped by four police constables.

There were no new developments in the 2008 rape of a 14-year-old girl in Sonargaon, Narayanganj, allegedly by RAB officer Abdul Gaffur, or in the 2008 rape of a young girl at Kamlapur Dhaka, allegedly by police subinspector Rezaul Karim.

There were also incidents of nonlethal, politically motivated violence by student groups. For example, according to the *New Age*, on January 28, a group of Chhatra League activists attacked a group of left-leaning activists on the campus of the all-female Eden College, leaving five injured. Officials made no arrests.

According to the *Daily Star*, on February 2, activists from the Chhatra League attacked a procession of the BNP's female student wing on the Dhaka University campus. According to the report, police at the scene were able to disperse the groups, but officials made no arrests.

Student groups also attacked journalists (see section 2.a.).

### Prison and Detention Center Conditions

Prison system conditions remained life threatening at times due to overcrowding, inadequate facilities, and lack of proper sanitation. Human rights observers stated that these conditions contributed to custodial deaths. Unlike in the previous year, there were no accounts of security forces holding detainees in temporary or military detention facilities.

According to Odhikar, 46 persons died in prison and 109 persons died in the custody of police and other security forces during the year.

According to the government, the existing prison population at year's end was 69,650, or more than over 200 percent of the official prison capacity of 29,240. Of the entire prison population, approximately one-third of the detainees had been convicted. The rest were either awaiting trial or detained for investigation. Due to the severe backlog of cases, individuals awaiting trial often spent more time in jail than if they had been convicted and served a maximum sentence. In most cases, prisoners slept in shifts because of the overcrowding and did not have adequate bathroom facilities. During the year the government ordered the release of 1,000 prisoners to help ease overcrowding. Some human rights groups expressed concern over the methods used to determine which prisoners qualified for the release. Conditions in prisons varied widely often within the same prison complex as some prisoners were subject to high temperatures, poor ventilation, and overcrowding while others were placed in "divisional" custody, which featured better conditions such as increased family visitation and access to household staff. Political and personal connections often influenced the conditions that a prisoner would be placed in. All prisoners have the right to water access and medical care; however, throughout the year, human rights organizations and the media stated that many prisoners did not enjoy these rights.

The law requires that juveniles be detained separately from adults, but in practice many juveniles were incarcerated with adults. Over 300 children were imprisoned (some with their mothers) despite laws and court decisions prohibiting the imprisonment of minors. In some places, the figure was much higher, mainly because there was no proper means of recording age in the criminal justice system. According to statistics from the 2008 International Centre for Prison Studies report, minors made up 0.4 percent of the prison population.

Although the law prohibits women in "safe custody" (usually victims of rape, trafficking, and domestic violence) from being housed with criminals, in practice officials did not always provide separate facilities in these situations.

In general the government did not permit prison visits by independent human rights monitors, including the International Committee of the Red Cross.

Government-appointed committees composed of prominent private citizens in each prison locality monitored prisons monthly but did not publicly release their findings. District judges occasionally visited prisons but rarely disclosed their findings to the public.

In 2008 the inspector general of prisons tried to address prisoner morale by allowing low-level offenders to meet family and friends inside jail cells without any physical barriers between them. There were few additional efforts to improve the prison system during the year.

#### d. Arbitrary Arrest or Detention

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

On June 27, during the BNP's nationwide strike, police arrested former foreign secretary Shamsheer Mobin Chowdhury and former mayor of Dhaka, Mirza Abbas, in Gulshan. Chowdhury remained in custody for several weeks while police interrogated him and eventually charged him with arson. Police did not mistreat Chowdhury and he was released on bail by year's end.

#### Role of the Police and Security Apparatus

Police are organized nationally under the Ministry of Home Affairs (MOHA) and have a mandate to maintain internal security and law and order. Under recent governments, police generally were ineffective and reluctant to investigate persons affiliated with the ruling party.

The government took steps to improve police professionalism, discipline, training, and responsiveness, and reduce corruption (see section 4).

Plaintiffs rarely accused police in criminal cases due to lengthy trial procedures and fears of retribution. Reluctance to bring charges against police perpetuated a climate of impunity.

### Arrest Procedures and Treatment While in Detention

The law provides for arrest without the use of warrants in certain cases. The criminal procedure code and the Dhaka Metropolitan Police Ordinance authorize detention of persons on suspicion of criminal activity without an order from a magistrate or a warrant, and the government regularly used such provisions. The number of preventive and arbitrary arrests declined from the previous year. Since taking office, the AL government has not carried out any mass arrests. ASK, a domestic human rights organization, and media outlets estimated that authorities made more than 2,000 routine arrests daily. The majority of those arrested were released within one or two days, often on payment of a bribe.

Under the existing Special Powers Act, the government or a district magistrate may order a person detained for 30 days to prevent the commission of an act that could threaten national security; however, authorities held detainees for longer periods. The magistrate must inform the detainee of the grounds of detention, and an advisory board is required to examine the detainee's case after four months.

Detainees had the right to appeal. Many detainees taken into custody during the caretaker government's anticorruption drive were held under this act, and during the period the government sought and received numerous detention extensions from advisory boards, consisting of two judges and a government official. Use of the provisions of the Special Powers Act declined during the year.

There was a functioning bail system in the regular courts. For example, the courts granted bail to almost all of the officials and former officials accused of corruption under the caretaker government; however, the system sometimes moved slower in cases that carried political implications. Additionally the attorney general ordered that his office have the final decision on bail cases in violation of the code of criminal procedure.

Most criminal detainees charged with crimes were granted access to attorneys. The government rarely provided detainees with state-funded defense attorneys, and there were few legal aid programs for detainees. Government-funded legal aid programs received little funding, and there were no efforts to expand those programs during the year.

The government generally permitted lawyers to meet with their clients only after formal charges were filed in the courts, which in some cases occurred several weeks or months after the initial arrest. Arbitrary arrests were common, and the government held persons in detention without specific charges, often to collect information about other suspects.

Arbitrary and lengthy pretrial detention continued to be a problem. There were an estimated two million pending civil and criminal cases. A 2008 estimate from the International Center for Prison Studies found nearly 70 percent of prison inmates were in pretrial detention.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but in practice a longstanding temporary provision of the constitution placed the executive in charge of the lower courts, judicial appointments, and compensation for judicial officials. Legislation from 2007 separating the judiciary from the executive remained in effect throughout the year.

Despite ostensible separation of the judiciary from the executive, the political authority made judicial appointments to the higher courts and allegedly influenced many judicial decisions on politically sensitive cases, including decisions regarding bail and detention for political opponents of the government. On April 11, the AL government appointed 17 additional judges to the High Court Division of the Supreme Court triggering protests from the pro-opposition Supreme Court Bar Association leaders. The opposition argued that two of the appointees had criminal records that included murder charges and ransacking of court premises. Outgoing Chief Justice Fazlul Karim refused to administer oaths to the judges, which drew criticism from government leaders.

On September 26, the government appointed A.B.M. Khairul Haque as the new Chief Justice of the Appellate Division of the Supreme Court, superseding two senior members of the Appellate Division. Opposition party leaders criticized the appointment, stating that Haque was chosen because of his perceived loyalty to the ruling party. According to a set timeline, Haque was scheduled to step down from the Chief Justice position in May 2012 when he would assume responsibility for heading a constitutionally mandated caretaker government that would be responsible for conducting the next round of parliamentary elections.

In 2008 the Appellate Division overturned politically charged decisions by the High Court Division, usually to the benefit of the current government. In several cases, the Appellate Division overturned decisions granting bail to corruption suspects who were high-level leaders of opposition parties. Additionally corruption (see section 4), judicial inefficiency, lack of resources, and a large case backlog remained serious problems within the judiciary.

On July 29, the Supreme Court's appellate division lifted the stay on a 2005 High Court ruling that an amendment to the constitution that legitimized martial law in the 1980s was unconstitutional. However, there was no effort to prosecute those involved in declaring martial law.

### Trial Procedures

The law provides accused persons with the right to be represented by counsel, to review accusatory material, to call or question witnesses, and to appeal verdicts. Cases are decided by judges rather than juries, and trials are public. In practice a public defender is rarely provided to defendants. Defendants are presumed innocent and have the right to appeal, to be present, and to see the government's evidence.

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

According to the National Human Rights Commission, 90 percent of those eventually brought to trial were not convicted.

### Political Prisoners and Detainees

Former law minister Moudud Ahmed and former communications minister Anwar Hossain Manju remained free on bail, although their cases remained in process. Ahmed refused the government's offer to drop the cases against him, and Manju continued to appeal two of his three sentences. The metropolitan public prosecutor decided to withdraw one of the cases against Ahmed for possessing alcohol at his residence in 2007. The High Court threw out one of Manju's convictions.

During the year the court granted several continuances in the trial against journalist Salah Uddin Shoaib Choudhury, who was detained for his attempted 2003 travel to Israel and who faced capital charges of "sedition, treason, and blasphemy." The government allowed Choudhury to travel abroad while the case was pending.

During the year the government, through an interministerial committee, continued to identify and withdraw allegedly "politically motivated" cases initiated under the caretaker government. Initially, the majority of the cases recommended for withdrawal appeared to be those brought against AL members. However, in 2009 the committee recommended withdrawal of cases against BNP members Moudud Ahmed and Tarique Rahman.

### Civil Judicial Procedures and Remedies

Administrative and judicial remedies are available for alleged wrongs. The government did not interfere with civil judicial procedures. Corruption and outside influence were problems in the civil judicial system. Alternative dispute resolution for civil cases allows citizens to present their cases for mediation. According to government sources, wider use of mediation in civil cases quickened the administration of justice, but there was no assessment of its fairness or impartiality.

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

The law allows intelligence and law enforcement agencies to monitor private communications with the permission of the chief executive of the MOHA.

According to media reports, the government established a national monitoring center consisting of representatives from law enforcement and intelligence agencies to monitor and coordinate telephone taps in 2008. Media and human rights groups complained that the government continued to employ the practice of illegal telephone tapping. Police rarely obtained warrants as required, and officers violating these procedures were not punished. Human rights organizations indicated that the special branch of police, National Security Intelligence, and the Directorate General Forces Intelligence (DGFI) employed informers to conduct surveillance and report on citizens perceived as critical of the government. The government also routinely conducted surveillance on opposition politicians.

Section 2    Respect for Civil Liberties, Including:



a. Freedom of Speech and Press

The constitution provides for freedom of speech and press, but the government frequently failed to respect these rights in practice.

Although public criticism of the government was common, newspapers depended on government advertisements for a significant percentage of their revenue. As a result, self-censorship by newspapers practiced was common.

There were hundreds of daily and weekly independent publications. Although there were improvements over the previous year, newspapers critical of the government still experienced government pressure. Journalists perceived to be critical of the government and those aligned with the opposition alleged harassment from unspecified wings of the security forces and members of the ruling party. In addition to one official government-owned news service, there were two private news services.

Unlike in previous years, the military's Inter-Service Public Relations office and the DGFI did not directly restrict newspaper ownership or content. However, in May the information minister met with the owners of private television channels and suggested that they refrain from broadcasting content critical of the government. Shortly thereafter, the Bangladesh Telecommunications Regulatory Commission (BTRC) used a technicality in the communications law to shut down a private television station, Channel One, with close ties to the BNP. Channel One remained closed at year's end.

On June 1, the deputy commissioner of Dhaka District ordered the closure of *Amar Desh*, an opposition newspaper, and the detention of its editor, Mahmudur Rahman, ostensibly for fraudulent editorial practices. Rahman remained in custody as police attempted to charge him with corruption or sedition. *Amar Desh* was closed for more than a month as its attorneys negotiated the convoluted appeals system. The newspaper was publishing under a stay ordered by the Appellate Division of the Supreme Court, pending a final verdict on its status at year's end.

On August 19, officials charged Rahman with contempt of court after he published a commentary critical of the courts' neutrality, and he was sentenced to six months in prison. At year's end, Rahman remained in prison.

Also on August 19, a second editor of *Amar Desh*, Waliullah Noman, was sentenced to one month in prison for an unrelated article criticizing the neutrality

of two judicial appointments. According to the attorney general, this was the first time that the Appellate Division of the Supreme Court sentenced journalists to prison for contempt of court.

The popular Bengali-language current affairs talk show, *Point of Order*, was removed from the air during the year. The host previously alleged that she received telephone calls from individuals identifying themselves as DGFI officials who warned her against promoting "antigovernment and antistate propaganda." She also stated that sponsors of her program were encouraged to stop their support of her show. Before the cancellation of the show, she stated, it was practicing significant self-censorship in an attempt to remain on the air.

The government owned one radio station and one television station. The parliament passed a law mandating that the public television station, BTV, remain the country's only terrestrial broadcast channel. An estimated 60 percent of the population did not have access to private satellite channels.

There were 10 private satellite television stations and three private radio stations in operation. There were two foreign-based and licensed satellite television stations that maintained domestic news operations. Cable operators generally functioned without government interference; however, Diganta Television, a private operator, received a letter from the Ministry of Information warning it to edit content critical of the government or face a shutdown. As of year's end, Diganta continued to operate. The government required all private stations to broadcast, without charge, selected government news programs and speeches by the prime minister.

Since coming to power, the AL-led government has shut two television channels, Channel 1 and Jamuna-TV. Both remained off the air as of the end of the year.

The government issued new licenses to operate television channels to political supporters. This conformed to past practice and was not unique to the AL.

Attacks on journalists continued to be a problem. There was an increase in individuals affiliated with the government or ruling party harassing, arresting, or assaulting journalists. According to Odhikar and media watchdog groups, at least four journalists were killed, 118 were injured, two were arrested, 43 were assaulted, 49 were threatened, and 12 had cases filed against them during the year. According to some journalists and human rights NGOs, journalists engaged in self-censorship due to fear of retribution from the government.

On August 17, in Damurhuda upazila, activists from the AL's local student wing, the Chhatra League, attacked a local correspondent from the Bengali language daily, *Amader Shomoy*, allegedly for publishing a report critical of the group's activities in the area.

On September 1, activists from the Rajshahi University branch of the Chhatra League used sticks to attack a reporter from the English language newspaper, the *Daily Star*, over reports critical of the organization's campus activities.

On September 25, an unknown assailant targeted the Rangpur correspondent from the Bengali-language *Daily Jugantor* and stabbed him in the back. The correspondent had published an article on tender manipulation by AL activists in the area during the year. His assailant remained at large at year's end.

There were no further developments in the case of F.M. Masum, a reporter for the *New Age* newspaper. RAB officers arrested Masum and beat him in October 2009. Masum attempted to file a case, but was rebuffed. RAB headquarters released a statement expressing regret for the incident and transferred one of the officers involved.

There were no new developments in the 2008 case of Rabiul Islam, a journalist for the Rajshahi-based Bengali language *Daily Sunshine*, who allegedly was tortured by local police.

There were no developments in the case of the *Jai Jai Din* editor who was fired in 2008 because he published a cartoon critical of then army chief general Moeen Uddin Ahmed.

There were no new developments in the case of Jahangir Alam Akash, who authorities reportedly tortured in 2008. Akash ran his own Web log devoted to press freedoms and human rights during the year.

Unlike in previous years, the government did not subject foreign publications and films to stringent reviews and censorship. A government-managed film censor board reviewed local and foreign films and had the authority to censor or ban films on the grounds of state security, law and order, religious sentiment, obscenity, foreign relations, defamation, or plagiarism, but this was less strict than in the past. In practice video rental libraries and DVD shops stocked a wide variety of films, and government efforts to enforce censorship on rentals were sporadic and ineffective.

Unlike in the previous year, the government only rarely exercised censorship in cases of immodest or obscene photographs, perceived misrepresentation or defamation of Islam, or objectionable comments regarding national leaders.

### Internet Freedom

Although individuals and groups generally could engage in the peaceful expression of views via the Internet, local human rights organizations reported continued government monitoring of Internet communications. The most recent figures from the World Bank indicated that 5.8 percent of the population used the Internet in 2008. On May 28, the BTRC blocked access to the popular social networking site Facebook. The government stated that the action was the result of pages depicting the Prophet Muhammed. Facebook was able to negotiate the reopening of the site which was again accessible as of June 5; however, pages other than those depicting the Prophet Muhammed also were blocked, including ones critical of the prime minister and the opposition leader. Opposition leaders alleged that security forces have attempted to their collect personally identifiable information; however, these allegations were not independently verified.

### Academic Freedom and Cultural Events

The government did little to limit academic freedom or cultural events; however, media groups reported that authorities discouraged research on sensitive religious and political topics. Additionally, on April 28, Dhaka University dismissed five teachers with BNP affiliations for overstaying their allotted leave, but failed to enforce the measure more broadly as 219 teachers without BNP affiliations remained on leave.

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

The constitution provides for freedom of assembly and association, and the government generally respected these rights in practice; however, at times the government limited freedom of assembly.

### Freedom of Assembly

The government generally permitted rallies to take place but on occasion used the criminal procedure code to prevent opposition political groups from holding meetings and demonstrations. The code authorizes the administration to ban

assembly of more than four persons; according to ASK, the administration used this provision at least 93 times during the year. At times police or ruling party activists used force to disperse demonstrations.

On July 28, the Dhaka Metropolitan Police issued an order banning all student protests in certain areas of the city, citing traffic concerns. All major political parties and student groups protested this ban, which remained in effect at year's end.

According to the *Daily Star*, a rally on August 22 by the BNP's student wing, the Jubo Dal, met with police resistance. Police claimed that the Jubo Dal failed to secure proper permission for the rally. At least 30 persons on both sides were injured.

The Islamist Party, Jamaat-e-Islami, reported that its ability to secure permits for rallies or processions was severely hampered throughout the year.

Local officials used the criminal procedure code prior to planned council meetings of the BNP to prevent clashes either between BNP and the ruling party or among rival factions of the BNP. In December 2009 ruling party activists and police attacked individuals at a reception in honor of Moyeen Khan's selection as a party leader. BNP supporters clashed with police and AL supporters, causing dozens of injuries. No charges were filed before the end of the year.

#### Freedom of Association

The law provides for the right of every citizen to form associations, subject to "reasonable restrictions" in the interest of morality or public order, and the government generally respected this right. Individuals were free to join private groups. Unlike previous years under the state of emergency, trade unions were able to conduct their normal activities; however, the law made it nearly impossible to form new trade unions in many sectors, such as the ready-made garment industry.

#### c. Freedom of Religion

For a complete description of religious freedom, see the *2010 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

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

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice except in the cases of some opposition political figures. As the government moved to prosecute war crimes from the 1971 War of Independence, it created a list--consisting entirely of opposition party leaders--of those suspected of war crimes who it considered ineligible to travel outside the country. However, it did not move to strip these individuals of their passports. Immigration officials at Hajrat Shah Jalal International Airport in Dhaka prevented numerous politicians belonging to the opposition BNP and Jamaat-e-Islami from leaving the country, citing the no-fly list and instructions from undisclosed higher authorities. Some of the politicians successfully challenged the unannounced restrictions on their travel abroad and managed to depart and return to the country.

On three occasions, immigration officers barred senior BNP leaders from travelling abroad in violation of high court orders. On July 28, officials barred BNP Vice President Shamsher Mobin Chowdhury from traveling to Singapore. Immigration officers told the *Daily Star* that they received verbal instructions to deny Chowdhury's travel. On August 8, Shahiduddin Chowdhury Annie received similar treatment at the airport. Both individuals were on bail stemming from charges related to the BNP's general strike in June; however, both possessed high court permission to travel abroad. Both eventually were able to secure another court injunction and travel abroad.

On September 14, BNP advisory committee member Reaz Rahman was stopped at the Dhaka airport as he attempted to board a flight to Kolkata and was told that his international travel was restricted by instructions from "higher authorities." Rahman was not accused in any criminal cases and was able to obtain a high court injunction further verifying his right to travel.

The law does not provide for exile, which was not practiced. The country's passports were invalid for travel to Israel.

#### Internally Displaced Persons (IDPs)

According to the International Displacement Monitoring Center (IDMC) Web site, armed conflict broke out in the Chittagong Hill Tracts (CHT) in 1973 as the government opposed the demands of the indigenous Jumma people for greater autonomy. During the conflict throughout the 1970s and 1980s, the government relocated landless Bengalis from the plains, ensuring that the Jumma became a

minority in the CHT. During this period, clashes with army-backed settlers displaced tens of thousands of Jumma within the country.

The number of IDPs in the region is disputed. In 2000 a government task force estimated the number to be 500,000 but included nonindigenous persons in its estimate. During the same year, Amnesty International reported that there were approximately 60,000 IDPs, not counting the nonindigenous population. In 2008 the government pledged assistance and reparation to those who lost their land during the conflict and set up a commission and task for rehabilitation of returnee Jumma IDPs and the elimination of military camps. According to IDMC, however, "as of December 2009 there were still approximately 300 military camps in the region, and the work of the land commission and task force was hindered by lack of funding and human resources."

The IDMC also reports that there is "possibly a much larger number of members of religious minorities" across the country who may have been "forcibly displaced" as a result of discriminatory legislation. The Hindu community in particular lost much of its land under the 1974 Vested Property Act, which authorized government confiscation of property from individuals it deemed "enemies of the state." According to IDMC, "almost 750,000 Hindu families were dispossessed of agricultural land." Although the act was appealed in 2001, by year's end, the government had not taken measures to provide restitution or compensation to those disposed of their property. There is no systematic reporting on the treatment of these widely scattered IDPs.

IDPs in the CHT have limited physical security. IDMC reported that "the army still holds authority over the general CHT administration, through an administrative order," and there are many reported cases of IDPs being subjected to arbitrary arrests, unlawful detentions, torture, rape, killings, and religious persecution. According to IDMC, "several reports indicate that these violations of the rights of indigenous people by settlers, sometimes with the involvement of security forces, have been systematic."

IDPs in the CHT also lack access to courts and legal aid. According to the IDC, "the CHT Commission, composed of experts from inside and outside Bangladesh seeking to promote respect for human rights, democracy, participatory development, and land rights in the Hill Tracts, found that the lack of information and available lawyers to assist the indigenous people additionally hinder their access to justice.

On February 19, Bengali settlers in the Baghahat area of Sajek Union in Rangamati reportedly carried out arson attacks on more than 200 homes of indigenous IDPs. Several shops, a church, a Buddhist temple and a village center also were burned. At least two indigenous people were killed, allegedly by army personnel, and dozens were injured. On October 5, the CHT Commission issued a press release in which it recommended that the government institute a high level independent inquiry into the arson attacks and killings, amend the 2001 CHT Land Dispute Settlement Commission Act in accordance with the articles of the CHT Accord, and "ensure that all future decisions of the Land Commission are made with the agreement of Pahari leaders who are members of the Commission." The commission also recommended the "phased withdrawal of temporary military camps in the region in accordance with the CHT Accord" and the full implementation of the CHT Accord.

### Protection of Refugees

The country is not a party to the 1951 Convention relating to the Status of Refugees or the 1967 Protocol. As a result, and in the absence of any national legislation, the law does not provide a legal framework for the granting of asylum or refugee status. The government had no formal system for providing protection to refugees. In practice the government provided some protection against the expulsion or return of refugees to countries where their lives or freedoms would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees. However, delays in granting FD6 approvals by the government's NGO Affairs Bureau have led to extended delays in allowing NGOs to operate in country and implement assistance programs.

The government continued to deny asylum to Rohingya arriving from Burma. The government categorized them as illegal economic migrants and turned back many at the border; however, the border was porous, and attempts to stem the tide of migration proved unsuccessful. According to the UNHCR, some of the individuals who were turned back likely were entitled to refugee status. Some unregistered persons in UNHCR camps returned to the country illegally after their official repatriation to Burma. On a number of occasions, local police detained unregistered persons outside the camps and imprisoned them under the Foreigners Act.



Working with the UNHCR, the government provided temporary protection to approximately 28,000 registered Rohingya refugees at two official refugee camps and to individual asylum seekers that the UNHCR interviewed and recognized as refugees on a case-by-case basis. According to the UNHCR, there were some discrepancies between the government's official list of registered refugees and the UNHCR's. The UNHCR worked to resolve these discrepancies with the government and began a harmonization exercise in September. The initial results were mixed with UNHCR and the government agreeing to only approximately 40 percent of the cases, but the government was willing to work with UNHCR on negotiating the cases that remained. According to international aid organizations active in the area, there were an estimated 200,000 to 500,000 Rohingya not officially recognized as refugees living among the local population in the surrounding area of Teknaf and Cox's Bazar, including approximately 25,000 to 30,000 at an unofficial site adjacent to the official Kutupalong refugee camp. International NGOs generally were unable to work officially with unregistered refugees because the NGO Affairs Bureau refused to grant permission for such projects. There were no repatriations of Rohingya during the year.

Working with the UNHCR, the government continued to improve conditions in refugee camps following findings in recent years that sanitation, nutrition, and shelter conditions had fallen below minimum international standards. The government permitted the UNHCR to build replacements for shelters and latrines and permitted more NGOs to work in the camps on skills training, education, and health for residents.

According to the UNHCR, there were cases of abuse against refugees, including rape, assault, domestic abuse, deprivation of food, arbitrary detention, and documentation problems. However, conditions in the camps continued to improve as sanitation, medical, and education facilities were built and improved.

As in previous years, the government continued to ignore UNHCR requests to allow Rohingya refugees who were unable to return to Burma to work locally, obtain medical care, or attend school outside the camps. The government began to allow the UN Children's Fund (UNICEF) to operate schools through grade five in the camps. In practice, however, the provision of basic services from the UNHCR and other NGOs meant that registered refugees often received better medical care than individuals in surrounding villages. The government insisted that all Rohingya refugees remain in camps until their return to Burma. The government claimed that Rohingya refugees were not allowed to possess money and that money in their possession could be confiscated. In practice enforcement of these rules remained

sporadic and depended on local authorities. For example, many refugees worked illegally as manual laborers or rickshaw pullers in the unregulated economy, and small numbers of students studied with the assistance of private tutors and participated in countrywide school exams through the high school level.

The government repeatedly rejected a UNHCR proposal to grant refugees rights for temporary stay and freedom of movement under a self-reliance program.

### Stateless Persons

In 2008 the High Court ruled that Biharis living in the country, once considered stateless, were citizens. Approximately 160,000 to 200,000 non-Bengali Bihari Muslims who immigrated to the former East Pakistan during the 1947 partition, a large number of whom supported Pakistan during the 1971 war, continued to live in camps throughout the country. According to Refugees International, many of these persons lived in unsanitary conditions with little access to education and medical resources. Some Biharis declined citizenship in 1972, and a minority awaited repatriation to Pakistan, where the government was reluctant to accept them. Many in the Bihari community were born after 1972, and the vast majority of this population has been assimilated into the mainstream Bengali-speaking environment, although social barriers to upward mobility remained.

Approximately 90 percent of all adult Biharis, or 184,000 persons, were registered as voters following voter registration drives prior to the 2008 elections.

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

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

The Representation of the People's Order (Amendment) Ordinance 2008 significantly changed the electoral law that had been in place since 1972, in an attempt to address corruption in politics. The major political parties considered some of the new provisions in the bill, such as the abolition of students' and women's wings and foreign chapters, to be undemocratic, but they accepted the changes with some reluctance and revised their party constitutions. Under the amended ordinance, candidates must reveal information about their education, wealth, and criminal records when they file to run for parliament. Most political

parties submitted statements to the election commission outlining expenditures and sources of funds by the September deadline.

On February 2, the Appellate Panel of the Supreme Court upheld a 2005 high court order nullifying the Fifth Amendment to the constitution, which had legitimized martial law as proclaimed by Khandker Mushtaq Ahmed, who succeeded former president Sheikh Mujibur Rahman in 1975. The Supreme Court, however, retained the Fifth Amendment provisions that restored multiparty democracy, freedom of the press and the judiciary, and validated the routine government actions carried out by that government.

On July 21, the parliament constituted a 15-member committee to review the constitution and make recommendations for further amendments. Opposition members of parliament (MPs) refused to join the committee.

On August 26, a high court panel, in a similar judgment, nullified the Seventh Amendment to the constitution, which had legitimized the seizure of power by then army chief of staff, H.M. Ershad, from an elected government and his government's activities under martial law. As of year's end, the High Court judgment was pending review by the appellate panel.

In April 2009 the parliament passed the Upazila Parishad (Amendment) Act to reintroduce a tier of the local government abolished in 1991. The act made it mandatory for the upazila parishads, or councils, to accept the advice of the local MP. Under the act, upazila parishads could not communicate directly with the central government without their local MP's advice. As a result, the upazila parishads remained largely dysfunctional, as the government failed to give them clear authority to carry out administrative and development activities at the subdistrict level. The reluctance of bureaucrats to work under the authority of the elected leaders of the upazila parishads and the domination of the MPs were partly responsible for the slow progress of this tier of local government.

The parliament had 345 members, 300 of whom were directly elected. The remaining 45 seats were reserved for women nominated by the political parties, based on their proportional representation within the 300-member group of directly elected MPs. Party leaders appointed candidates for elections, and there were allegations that wealthy candidates could purchase nominations from party leaders with campaign contributions or personal gifts.

### Elections and Political Participation

Sheikh Hasina, leader of the AL, became prime minister in January 2009, following the parliamentary elections in 2008. The 14-party AL alliance won 230 of 299 seats in the elections, which international and local observers deemed free and fair. Hasina's cabinet included representatives from the other parties in her coalition. Hasina replaced Fakhruddin Ahmed, chief advisor to the caretaker government, as the head of government. BNP chairperson and former prime minister Khaleda Zia became leader of the opposition.

On April 24, sporadic violence, stuffing of ballot boxes, and intimidation of voters marred a parliamentary by-election in the southern district of Bhola. The ruling AL candidate won this election by a wide margin against his BNP rival. In contrast the June 17 election to the Chittagong City Corporation was held peacefully and without any major incidents. The BNP-backed mayoral candidate narrowly defeated his AL-backed incumbent rival.

Having walked out several times in the previous year, the opposition MPs returned to parliament on February 11 but resumed their boycott only a few hours later. They demanded fair treatment by the speaker and the ruling party legislators as preconditions for their return to the house. The parliament formed all 48 standing committees in the first session with participation from opposition parties. The opposition MPs continued to participate in standing committee meetings despite their absence from parliament.

There were 64 women serving in parliament, 19 of them were directly elected. According to the law, women are eligible to contest and win any number of seats among the 345 MPs, but 45 seats were reserved for women. Six women, including Prime Minister Hasina, held the status of cabinet minister, including the ministers of home affairs, foreign affairs, and agriculture. The prime minister also retained the defense portfolio. Khaleda Zia, as the leader of the opposition, and Sajeda Chowdhury, as the deputy leader of parliament, also had the status of cabinet minister. Two women were appointed as state ministers, and a third was serving as a whip of parliament with the status of a state minister. In the January 22 upazila elections, 481 female vice chairpersons were elected to reserved positions for women. Seven of the 95 Supreme Court judges were women.

There was no provision to provide parliamentary seats for minorities. Members of minority groups constituted approximately 10.3 percent of the population but held approximately 5 percent of seats in parliament.

#### Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, but the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity.

Ghulam Rahman, the former chair of the Bangladesh Energy Regulatory Commission, was appointed as the new chairman of the Anti-Corruption Commission (ACC) in May 2009. As in prior years, the ACC focused its efforts during the year on developing cases involving public persons who failed to disclose income.

In previous years, the ACC filed more than 1,000 cases related to the endemic corruption that marked previous governments. As the ACC has lost much of its influence, most of these cases have been withdrawn. In 2009 under its new chairman, the ACC filed a money-laundering case against Koko Rahman, the son of BNP leader Khaleda Zia. A separate money-laundering case was also filed against Koko Rahman and Khaleda Zia's other son, Tarique Rahman. Both were living outside the country on bail at year's end.

According to a World Bank Country Assistance Strategy, the government is trying to undercut the authority of the ACC and is severely hampering the prosecution of corruption throughout the country. The reports states that the current government has filed far fewer corruption cases than the caretaker government, and a government commission has recommended that the ACC drop thousands of corruption cases, mostly involving AL members. The report acknowledged that the government has stated a commitment to countering corruption through preventive measures.

According to Transparency International Bangladesh, the government has approved an amendment that would significantly cripple the ACC. One provision of the amendment would require the ACC to obtain governmental approval before bringing proceedings against an individual. The proposed amendment was approved by the cabinet but was not brought to a vote in parliament by year's end.

A review committee headed by the state minister for law, justice, and parliamentary affairs recommended the withdrawal of politically motivated cases that the government and ACC filed prior to 2009. The committee recommended the withdrawal of approximately 1,817 cases, filed mostly against AL leaders, including all the cases filed against Sheikh Hasina. Other cases recommended for

withdrawal included one case against BNP leader Khaleda Zia's son, Tarique Rahman; one against BNP leader and former law minister Moudud Ahmed; and one against Jatiya Party secretary general Ruhul Amin Howlader. Ahmed refused the government's offer to withdraw all cases against him and demanded the withdrawal of all politically motivated cases against BNP leaders, including Khaleda Zia and her sons.

The release of many corruption suspects continued to draw comment from some members of civil society, who stated that the government was not serious about fighting corruption. Government leaders argued that the government and the ACC would continue to pursue corruption cases despite the release of some suspects on bail.

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

The judiciary was subject to political pressure from the government. In several cases, the appellate division overturned decisions granting bail to high-level corruption suspects who were leaders of opposition parties. Corruption remained a serious problem within the judiciary. Corruption was a factor in lengthy delays of trials, which were subject to witness tampering and intimidation of victims. Human rights observers contended that magistrates, attorneys, and court officials demanded bribes from defendants in many cases filed during the year.

There were allegations that candidates could purchase nominations from party leaders with campaign contributions or personal gifts.

In March 2009 parliament passed the Right to Information Act, in line with a lapsed 2008 ordinance promulgated by the caretaker government. This law effectively annulled the Official Secrets Act, which had denied the public access to government information.

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

A wide variety of domestic and international human rights groups generally operated independently and without government restriction, investigating and publishing their findings on human rights cases. Although human rights groups

often were sharply critical of the government, they also practiced some self-censorship.

The government required all NGOs, including religious organizations, to register with the Ministry of Social Welfare. Local and international NGOs, including Odhikar, Medecines Sans Frontières (MSF), Action Contre la Faim (ACF), and the American Center for International Labor Solidarity (ACILS), reported that the government sought to impede their work, either by canceling projects or subjecting them to restrictive operating requirements.

In August 2009 Odhikar received a letter from the NGO Affairs Bureau (NAB), the office within the prime minister's office that approves NGO projects, canceling its approval of a continuing human rights training and advocacy project. Odhikar experienced similar trouble gaining NAB approval for a separate project and was navigating the appeals process at year's end, with the case still pending. According to the ACILS, during the year the NAB delayed approval for the release of foreign funding and delayed approval for its foreign donation (FD) registration. Additionally the NAB canceled the FD approval for one of its implementing partners, the Bangladesh Center for Workers Solidarity (BCWS) stating that the BCWS was operating outside of its geographical and operational mandate.

During the year both MSF and ACF lost their FD approval. Both organizations were working with Rohingya refugees in the Cox's Bazar district, in addition to other programs throughout the country. The loss of their FD approval forced both organizations to suspend much of their operations. The situation was not resolved by year's end.

There were no developments in the case of RAB officers allegedly harassing Odhikar in 2008. According to Odhikar, the RAB continued some harassment of the organization during the year.

In July 2009 parliament passed the National Human Rights Commission Act, reconstituting the country's seven-member Human Rights Commission. The new commissioner, Mizanur Rahman, pledged to address all human rights violations, with emphasis on extrajudicial killings; however, the commission was not fully functional by year's end.

Section 6    Discrimination, Societal Abuses, and Trafficking in Persons

Laws specifically prohibit certain forms of discrimination against women, provide special procedures for persons accused of violence against women and children, call for harsh penalties, provide compensation to victims, and require action against investigating officers for negligence or willful failure of duty; however, enforcement of these laws was weak. In 2003 parliament passed an amendment to the law, weakening provisions for dowry crimes and addressing the issue of suicides of female victims of acts of dishonor. Women, children, minority groups, and persons with disabilities were often confronted with social and economic disadvantages.

### Women

The law prohibits rape and physical spousal abuse but makes no specific provision for spousal rape. According to Odhikar, there were 556 reported incidents of rape against females during the year, including 308 against female children. According to human rights monitors, the actual number of rape cases was higher because many rape victims did not report the incidents due to social stigma. Prosecution of rapists was not consistent. Of the 556 rape victims, 93 were victims of gang rape; 30 were killed after their rape. According to ASK, there were only 323 rape cases filed during the year.

According to the *Daily Jugantor*, on May 17, a health worker raped a mentally disabled woman in the village of Aliyara in Comilla. The local community detained the perpetrator, but police freed him after he paid a 50,000 taka (\$725) fine.

According to Odhikar and the Bengali-language *Shamakal* newspaper, on July 5, several students affiliated with the AL's Chhatra League abducted a female student in the village of Kaharta in Tangail. The students raped her while accomplices filmed the incident. The victim filed a case with the local police station, and one of the perpetrators was arrested; however, the leader of the group was not arrested.

According to Odhikar, on October 18, three or four men raped a mentally disabled teenager from Bhuiyanbagh area in Narayanganj city, while she was on her way to her father's grocery shop. The men, including one named Rassel, raped her and videotaped the incident. After this assault, the criminals demanded 20,000 taka (\$666) from the victim's family.

In October parliament passed the Domestic Violence (Protection and Prevention) Bill, which criminalized domestic violence. Women's rights groups previously



criticized the government for its inaction on the issue, which was widespread and increased during the year, although data quantifying it was difficult to obtain. After the passage of the bill, critics expressed doubts about its effectiveness. A 2000 study by the UN Population Fund indicated that at least 50 percent of women experienced domestic violence at least once in their lives. The Bangladesh National Women Lawyers' Association (BNWLA) filed 1,721 cases related to violence against women during the year and received over 6,000 reports of violence against women. Most efforts to combat domestic violence were funded by NGOs with little assistance from the government. Some of the reported violence against women was related to disputes over dowries. There was an increase in the number of dowry-related killings during the year. ASK reported 395 cases of dowry-related violence, including physical torture, acid attacks, and killings-an increase from 227 the previous year. There are no adequate support groups for victims of domestic violence.

According to the *Daily Star*, on September 4, police arrested Delwar Hossain, a resident of Dhaka, for beating his wife to death over a failed dowry payment. Her family was able to file a case for the murder, which continued at year's end.

In July 2009 according to media reports, a man beat his wife and allegedly forced her to drink poison in Narsingdi. The woman died on the way to the hospital; her husband claimed she had committed suicide. When the wife's relatives confronted the husband about her death, he allegedly attacked them, seriously injuring six men. According to relatives, the husband regularly beat his wife because he was upset that he had not received a dowry from her parents. A case was filed with police and was pending at year's end.

NGOs such as the BNWLA operated facilities to provide shelter to destitute persons and distressed women and children. According to the BSEHR, persons in "safe custody" were no longer housed in prisons. Courts sent most of them to shelter homes. In a few cases, they were sent to prison as a transit destination for short periods.

A 2001 high court ruling banned fatwas (religious edicts). Islamic tradition dictated that only those muftis (religious scholars) with expertise in Islamic law were authorized to declare a fatwa. Despite these restrictions, village religious leaders sometimes made such a declaration in an individual case and called the declaration a fatwa. Such declarations could result in extrajudicial punishments, often against women for alleged moral transgressions. On May 24, the High Court

ruled that extrajudicial punishments consistent with Sharia law were illegal and ordered that passages discouraging such punishment be added to school textbooks.

Incidents of vigilantism against women--sometimes led by religious leaders by means of fatwas--occurred. According to ASK, 22 incidents of vigilante justice against women occurred during the year, and only four incidents resulted in police action. The punishments included whipping, beating, and other forms of physical violence.

According to the Bengali-language *Prothom Alo*, on May 19, three imams in the village of Purbohati in Brahmanbaria issued a fatwa demanding that a 17-year-old girl be whipped 101 times and exiled from the village for an alleged extramarital affair. No punishment was included for the man involved in the affair. The girl lost consciousness after 25 lashes. The president of the local AL chapter presided over the arbitration that resulted in the fatwa.

According to Odhikar, on August 3, the husband and in-laws of a homemaker in Jatrabari allegedly killed her after a sonogram confirmed that she was pregnant with a female child. Her husband, Mohammad Sohel, and his family members, killed her through repeated physical abuse. She also was previously mistreated periodically due to dowry demands.

In May 2009 a fatwa committee in Bitteshwar union ordered a 26-year-old woman whipped 100 times, according to the *Daily Star*. The woman, an unwed mother, sought to have her son's paternity socially acknowledged, a claim the alleged father denied. The woman was whipped until she lost consciousness; at this point, village leaders asked her father to tie her hands as they continued to whip her. Police filed cases against six men, but only three were arrested. The trial was pending at year's end.

Acid attacks remained a serious problem. Assailants threw acid in the faces of victims--usually women--and left them disfigured and often blind. Acid attacks often related to allegations of spousal infidelity. During the year according to Odhikar, 137 persons were attacked with acid. Of these victims, 84 of the victims were women, 32 were men, and 16 were children.

According to Odhikar, a housewife in the village of Ilishpur in Shatkhira was attacked with acid, doused with gasoline, and set on fire after she filed for divorce on the grounds of persistent domestic abuse. The victim was admitted to Khulna

Hospital and died of her injuries. A case was filed, and two of the three perpetrators were arrested. The case continued at year's end.

The law provides for speedier prosecutions of acid-throwing cases in special tribunals and generally does not allow bail. The Women and Child Repression Control Act seeks to control the availability of acid and reduce acid-related violence directed toward women, but lack of awareness of the law and poor enforcement limited the law's effect. According to the Acid Survivors Foundation, the special tribunals were not entirely effective; prosecutors were able to obtain a conviction in an estimated 10 to 12 percent of attacks each year.

Deputy Attorney General Rajik Al Jalil has stated that the guidelines covered verbal abuse and physical attacks, including the sending of suggestive text messages. Sexual harassment in schools, workplaces, and in other public spaces remained a problem during the year. A study published in May 2009 by the *Journal of Interpersonal Violence* found that out of 5,106 unmarried adolescent girls in rural areas surveyed in 2004, 35 percent experienced harassment, 34 percent experienced unwanted sexual attention, and 14 percent experienced sexual intimidation.

Reproductive health information was freely available, but income and education often served as barriers to access. Pharmacies carried a wide range of family planning options; however, traditional family roles often hindered free access.

According to 2008 UN estimates, the maternal mortality rate in the country is 340 deaths per 100,000 live births. The World Health Organization noted some of the major causes of maternal death, including postpartum hemorrhage, obstructed labor, eclampsia, postpartum sepsis, and violence or injuries. According to the government's 2007 Demographic and Health Survey, approximately 85 percent of women give birth at home, and only 18 percent had access to a skilled birth attendant. Sixty percent of women attended one of four recommended prenatal visits; only 21 percent attended all four. Only 30 percent of women attend one or more postnatal visits. Most of the programs offered by the government and NGOs to prevent and treat HIV/AIDS and other sexually transmitted diseases were focused on women.

Women remained in a subordinate position in society, and the government did not act effectively to protect their basic rights. For example, inheritance laws comply with the religion of the parties involved. Under traditional Islamic inheritance laws, daughters inherited only half that of sons, and, in the absence of sons, they may

inherit only what remains after settling all debts and other obligations. Under Hindu inheritance laws, a widow's rights to her deceased husband's property are limited to her lifetime and revert to the male heirs upon her death.

Employment opportunities increased at a greater rate for women than for men in the last decade, largely due to the growth of the export garment industry. Women constituted approximately 80 percent of garment factory workers. There were some disparities in pay in the overall economy between men and women, but in the garments sector wages were roughly comparable.

In September 2009 the AL government vowed to reinstate the National Women's Development Policy that the previous AL government established in 1997. The policy's features included reservation of seats for women in parliament, initiatives to appoint women in senior posts in the administration and in all spheres of employment, and greater legal measures to end discrimination against women. There were no further developments at year's end.

### Children

The government, with the assistance of local and foreign NGOs, worked to improve children's rights and welfare, enabling the country to make significant progress in improving children's health, nutrition, and education. Despite some progress, a 2009 Household Food Security and Nutrition Assessment jointly conducted by the government, the World Food Program, and UNICEF found that 48.6 percent of all children remained chronically malnourished.

The law does not grant citizenship automatically by birth within the country. Individuals become citizens if they, their fathers, or grandfathers were born in the territories that are now part of the country. If a person qualifies for citizenship through ancestry, the father or grandfather must have been a permanent resident of these territories on March 25, 1971. Birth registrations were available only to approximately 10 percent of the population.

Primary education was free and compulsory, but the implementation of compulsory education fell short, in part because parents kept children out of school to work for money or help with household chores. Government incentives to families that sent children to school contributed significantly to the rise in primary school enrollments in recent years. Despite these efforts and contrary to established policies, public schools imposed fees that were burdensome for poor families and created a disincentive to attend school.

Although the legal age of marriage is 18 years old for women and 21 years old for men, underage marriage was a widespread problem. Reliable statistics concerning underage marriage were difficult to find because marriage registrations were sporadic and birth registrations rare. A local human rights NGO, Mass Line Media, concluded from a 2004 survey that an estimated 40 percent of all marriages could be considered child marriages. There was no indication that this had changed in the time since the survey was taken. In an effort to reduce child marriages, the government offered stipends for girls' school expenses if parents promised to delay their daughters' marriage until at least the age of 18.

According to human rights monitors, child abandonment, kidnapping, and trafficking continued to be serious and widespread problems. Despite advances, including a monitoring agency in the Ministry of Home Affairs, trafficking of children continued to be a problem.

Child labor remained a problem in certain industries, mostly in the informal sector. It frequently resulted in the abuse of children, mainly through mistreatment by employers during domestic service. According to a 2006 study by the Bangladesh Institute of Labor Studies, attacks on children constituted more than 50 percent of the deaths, injuries, and sexual assaults reported among domestic workers during the year.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

### Anti-Semitism

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

### Trafficking in Persons

For information on trafficking in persons, please see the State Department's annual *Trafficking in Persons Report*, which can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

### Persons with Disabilities

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

The Ministry of Social Welfare, the Department of Social Services, and the National Foundation for the Development of the Disabled were the government agencies responsible for protecting the rights of persons with disabilities. Government facilities for treating persons with mental disabilities were inadequate. Several private initiatives existed for medical and vocational rehabilitation, as well as for employment of persons with disabilities. Several NGOs including Handicap International have programs focusing on helping and raising awareness about the persons with disabilities. Persons with disabilities were legally afforded the same access to information rights as those without disabilities; however, family dynamics often influenced whether or not these rights were used.

### Indigenous People

Indigenous populations had marginal ability to influence decisions concerning the use of their lands. There was some progress in the implementation of the 1997 CHT Peace Accord. The government reconstituted the CHT Land Commission, which announced its decision to conduct a land survey beginning in October 2009; however, indigenous rights groups have criticized this decision since they believe Bengali settlers will be able to obtain false documents detailing ownership of traditionally indigenous lands. The National Committee for Implementation of the CHT Peace Accord also was reconstituted, with Deputy Leader of Parliament Sajeda Chowdhury as chairman, on December 27, the National Committee for the Implementation of the Chittagong Hill Tracts Peace Accords, suspended the activities of the land commission pending further review, the government ceded some key functions, such as primary education, to local authorities, but it did not cede responsibility for other key functions, such as land use and natural resources as the accord specified. Law and order problems and alleged human rights violations continued, as did dissatisfaction with the implementation of the peace accord.

The government allowed some cell phone and Internet coverage to the three Hill Tract districts in 2008. Although the government cited security concerns as the

reason for limiting coverage, human rights groups and local officials claimed lack of coverage was also aimed at stunting the development of the region. The land commission dealing with land disputes between ethnically indigenous individuals and Bengali settlers did not function effectively in addressing critical land disputes after the signing of the peace accord. Indigenous leaders remained disappointed with the lack of assistance to those who left the area during the insurgency.

In 2007 the government withdrew 16 temporary camps of security forces in the Rangamati area of the Hill Tracts. Since the signing of the 1997 Peace Agreement, the government had withdrawn 212 camps, leaving approximately 235 camps. During the year indigenous leaders continued to protest the army's presence and called publicly for its removal.

The conflict continued between the Parbattya Chattagram Jono Sanghati Samity, which signed the 1997 Peace Agreement with the government, and the United Peoples' Democratic Front , which opposed the peace agreement.

On February 19 and 20, according to NGO and press reports, there were a number of skirmishes between Bengali settlers and the indigenous community in Baghaihat in the Chittagong Hill Tracts. During the incidents, parties set fire to several homes and attacked the residents with sticks and firearms, resulting in the deaths of two indigenous persons. A report by the Chittagong Hill Tracts Commission alleged that army personnel were present during the attacks but did not attempt to restore peace. The government immediately responded by moving several senior officers from of the area; however, there were no arrests.

Indigenous communities in other areas continued to report loss of land to Bengali Muslims. The government neither cancelled work on national park projects on land traditionally owned by indigenous communities in the Moulvibazar and Modhupur forest areas, nor did it undertake any new activities. In addition indigenous communities, local human rights organizations, and churches in the area continued to claim the government had yet to withdraw thousands of false charges the Forestry Department filed against indigenous residents.

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

Homosexual acts remained illegal, but in practice the law was rarely enforced. There were a few informal support networks for gay men, but organizations to assist lesbians were rare. Informal organizations reported that they were unable to

organize, do outreach, petition for changes to the law, or set up permanent establishments because of the possibility of police raids. One gay rights organization stated that gay men and lesbians also often faced extreme family pressure to marry opposite sex partners.

Attacks on lesbians and gay men occurred on occasion, but those offenses were difficult to document because victims desired confidentiality. Strong social stigma based on sexual orientation was common and repressed open discussion about the subject. Local human rights groups did not monitor the problem, and there were few studies on homosexuality in the country.

Although overt discrimination against lesbians, gays, bisexuals, and transgender individuals was fairly rare--partly because few individuals openly identified their orientation--there was significant societal discrimination. Openly gay individuals, particularly those from less affluent backgrounds, found that their families and local communities ostracized them. Some sought refuge in the transgender or "hijra" community.

#### Other Societal Violence or Discrimination

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

#### Section 7 Worker Rights

##### a. The Right of Association

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

Civil service and security force employees were legally prohibited from forming unions. In 2006 new categories of workers, including teachers and NGO workers, were permitted to form unions; however, due to the broad limitations on union



organizing during the state of emergency, these regulations were not formally instituted.

The total labor force was approximately 50 million, of whom approximately 1.9 million belonged to unions, many of which were affiliated with political parties. There were approximately 4,000 garment factories employing 2.5 million workers; more than 80 percent were women. No reliable labor statistics were available for the large informal sector in which the majority (nearly 80 percent) of citizens worked.

The 2006 Bangladesh Labor Act (BLA) consolidated laws from 25 separate acts into one comprehensive law. The director of labor is responsible for the registration and dissolution of unions. The registrar of trade unions may deregister unions with the approval of the labor court and, during the year, some unions were deregistered, primarily for labor law violations. The law afforded unions the right of appeal in the case of dissolution or denial of registration.

The law recognized the right to strike; however, many restrictions on this right remained. For example, 75 percent of union membership must consent to a strike before it can proceed. The government can shut down any strikes lasting more than 30 days and refer the matter to labor courts for adjudication. In addition strikes are banned for the first three years of commercial production or if the factory was built with foreign investment or owned by a foreign investor. In practice few strikes followed legal requirements, which are cumbersome; strikes or walk-outs often occurred based on the spontaneous decisions of workers.

The government filed cases against some striking labor leaders and workers for destruction of property, blocking roads, or for labor unrest, stemming from the June and December minimum wage-related protests (see section 7e). These cases remained unresolved as of year's end.

Throughout the year, labor organizers reported acts of intimidation and abuse, as well as increased scrutiny by security forces and the National Security Intelligence Agency. Sporadic, occasionally intense, labor unrest occurred throughout the country, particularly in the ready-made garment sector. Labor organizers reported frequent acts of intimidation and abuse, arbitrary lock outs, firing of employees, and increased scrutiny by security forces. Authorities sometimes arrested labor organizers for destruction of property and other charges, in what some NGOs considered repression of labor rights activists. In June the NGO Affairs Bureau did not renew the foreign donation approval of the Bangladesh Center for Workers'

Solidarity (BCWS) asserting that the BCWS had violated its terms of registration; however, the BCWS was unable to use proper channels to appeal the decision, and its registration status remained in limbo at year's end. In August three BCWS leaders were arrested for alleged involvement in the violent unrest following the ready-made garment minimum wage announcement. They were released on bail, and their trial was pending as of year's end.

The law establishes mechanisms for conciliation, arbitration, and labor court dispute resolution. Workers have the right to strike in the event of a failure to reach settlement. The government filed cases against some striking labor leaders and workers for destruction of property, blocking roads, or for labor unrest stemming from the minimum wage announcement. The cases remain unresolved as of year's end. Civil servants and security forces have little recourse for grievances; however, they can file cases in the regular court system.

Unions were highly politicized but were independent of the government and were strongest in state-owned enterprises, including jute mills, textile mills, chemical industries, and the government-run Port of Chittagong.

b. The Right to Organize and Bargain Collectively

The law protects the rights of workers to organize and bargain collectively without interference, but this right was not always effectively enforced. The BLA includes provisions protecting unions from employer interference in organizing activities; however, employers often sought to curtail this right, particularly in the ready-made garment industry. Implementation of the law's provisions was uneven and many private sector employers discouraged union activity. There were reports that employers in the shrimp and fish processing plants in Khulna fired workers over union activities. Many workers appealed their termination and the dispute continued at year's end.

The Director of Labor ruled on union-organizing discrimination complaints except in Export Processing Zones (EPZs). Throughout the year, the Labor Court ordered reinstatement of workers who had been fired for union activities, but a large backlog of unresolved cases remained. The majority of workers in such cases, however, sought financial compensation rather than reinstatement. Increasingly, labor disputes were settled informally prior to scheduled hearing dates in the labor court.

Under the BLA, legally registered unions are entitled to bargain collectively with employers; however, this was rarely implemented in practice. The BLA simplified and clarified the procedure for selecting a collective bargaining agent and specified time limits for steps in the process. Labor organizations reported that in some companies, workers feared reprisals and did not exercise their collective bargaining rights.

Overall, labor conditions in the EPZs improved somewhat, although the legal situation continued to be questionable. In August parliament passed the EPZ Workers' Welfare Society and Industrial Relations Act (EWWSIRA), which, among other things, specifies association rights in the EPZs. Under EWWSIRA Workers Representation and Welfare Committees (WRWC) formed under the previous law expire four years after their constitution. In place of the WRWCs, workers were to form Workers Welfare Societies (WWS), although EWWSIRA did not set a date for the elections of the leadership of the new WWSs. Under EWWSIRA, the WWSs have many of the same basic powers as workers' associations, including the right to strike and engage in collective bargaining. The EPZ will expire in 2013, and the government declared a minimum wage for shrimp sector workers. The date for the elections of the leadership of these new WWSs, an issue never fully resolved for WRWCs, was not set. The EWWSIRA also determined that until a separate labor tribunal was established for the EPZs, the present Labor Court would function as the EPZ Labor Tribunal, EPZ workers can file complaints to enforce broader legal rights in the EPZs.

WWSs are prohibited from establishing any connection to outside political parties or NGOs. Under the previous law, no provision barring affiliation with NGOs had existed. It was unclear if the EWWSIRA will allow several existing labor and health organization programs to continue to operate in the EPZs. Additionally the EWWSIRA prohibited strikes in the EPZs until October 31, 2013. Despite the ban, worker unrest in the Chittagong EPZ in mid-December shut the EPZ for several days. Some labor groups welcomed the EWWSIRA while others protested its measures and pushed for full rights for unions in the EPZs.

In November 2009 the labor law was amended to limit trade union activities at the Chittagong and Mongla ports, Under the amendment, each port can only have one trade union, which had to be organized within six months of the day of enactment of the amendment. All existing trade union bodies were to be dissolved. Only workers who had completed one year's service could be registered as members of these trade unions.

Many workers associations were not formally registered because employees attempting to organize associations faced difficulties from some factory owners. Some factory managers strongly discouraged workers from meeting outside labor groups and sometimes terminated workers who did.

Federations of workers associations within the EPZ were permitted, but federations with enterprises in other EPZs or with enterprises outside EPZs were banned.

EPZ officials had interpreted EWAIIRA regulations and applicable laws narrowly and claimed they were exempt from the broader labor law. Labor groups challenged this claim. Workers filed legal cases against EPZ factories that did not follow the BLA, and they remain unresolved. In 2008 the government amended the labor law to make it illegal for a trade union office to be located inside or within 200 meters of any industrial institution or group of institutions. Therefore, any trade union offices within these limits had to be moved within three months of the date that the amendment was implemented. In November 2009 the BLA was amended to reduce the penalty for persons who violate the law. Labor activists protested this amendment, alleging it had been intended to favor the employers, although there was no strict enforcement of the law.

#### c. Prohibition of Forced or Compulsory Labor

The penal code prohibits forced or bonded labor; however, the prescribed penalty of imprisonment for up to one year or a fine was not sufficiently stringent to deter the offense, and the government did not enforce the prohibitions effectively. The BLA created inspection mechanisms to strengthen laws against forced labor, but these laws were not enforced.

Some Bangladeshi men who are recruited for work overseas with fraudulent employment offers are subsequently exploited under conditions of forced labor or debt bondage abroad.

Though relatively uncommon in urban areas, bonded labor remained common in rural areas and in domestic service. Bangladeshi children and adults are forced into domestic servitude and bonded labor, including restricted movement, nonpayment of wages, threats, and physical or sexual abuse. Faced with extreme poverty and unemployment, rural workers, including entire families, were engaged in bonded labor, often facing physical abuse and sometimes death. Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

d. Prohibition of Child Labor and Minimum Age for Employment

Under the law every child must attend school through grade five or the age of 10 years, but there is no effective legal mechanism to enforce this provision, and child labor is widespread. The BLA regulates child employment depending on the type of work and the child's age. In 2006 the International Labor Organization (ILO) estimated that of the 2.2 million workers in 45 targeted hazardous sectors, 532,000 child workers between the ages of five and 17 performed hazardous labor.

During the year Services and Solutions International, a Dhaka-based research institution, found children frequently worked in the informal sector in industries like road transport, such as rickshaw pulling, automotive repair, and minibus assistance; in machine shops, salt and match factories, and tanneries; and in the manufacturing of bricks, cigarettes, dried fish, footwear, steel furniture, glass, textiles, garments, and soap. Children were engaged in the following hazardous activities: printing, fabrication, stone breaking, dyeing operations, blacksmith assistance, and construction. Children also worked in the service industry in hotels and restaurants. According to a 2003 government survey of urban areas, street children, mostly boys, engaged in various forms of work, such as begging, portering, shining shoes, collecting paper, and selling flowers. Boys and girls, often those living on the streets, were exploited in illicit activities, including smuggling and trading arms and drugs.

Children routinely performed domestic work. The government occasionally brought criminal charges against employers who abused domestic servants. In 2009 the ILO and the Bangladesh Bureau of Statistics completed a baseline survey on commercial sexual exploitation of children. According to the survey, among 18,902 child victims of sexual exploitation, 83 percent were girls, 9 percent transgender children, and 8 percent boys. Forty percent of the girls and 53 percent of the boys were below the age of 16. Fourteen percent of the girls and 6x percent of the boys were trafficking victims.

The Ministry of Labor's enforcement mechanisms were insufficient for the large, urban informal sector, and there was little enforcement of child labor legislation outside the export garment and shrimp processing sectors. The law specifies penalties for child labor violations, typically nominal fines of less than 5,000 taka (\$80). Agriculture and other informal sectors that had no government oversight employed large numbers of children.

In 2008 the government, with ILO support, established a child labor unit at the Ministry of Labor and Employment to coordinate planning and execution of all child-related labor interventions.

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

e. Acceptable Conditions of Work

For the five year period 2007-12, the National Minimum Wage Board (NMWB) established the minimum monthly wage at 1,800 taka (\$25.33) for all economic sectors not covered by industry-specific wages. The NMWB convenes every five years in a tripartite forum to set wages and benefits industry by industry. In the garment industry, the Ministry of Labor raised the minimum wage in June from 1,662 taka (\$24) per month to 3,000 taka (\$44) per month; however, wages were sometimes higher than the minimum wage. Workers had demanded a minimum wage increase to 5,000 taka (\$73) per month, and the announcement of the lower figure triggered some unrest throughout the country but centered in Dhaka from late June through July. Wages in the EPZs were typically higher than general national wage levels. None of the set minimum wages provided a sufficient standard of living for urban dwellers. It was common practice for garment factories to force workers to work overtime, delay their pay for months, and deny full leave benefits. In May 2009 the government declared a minimum wage for shrimp sector workers. The minimum monthly wage was 2,510 taka (\$36).

On December 12, garment workers protesting implementation of the minimum wage increase in the Chittagong EPZ clashed with police, leaving four persons dead including one rickshaw puller. The protests caused a one-day shutdown of the Chittagong EPZ. After the December 12 violence, the government decided to form a tripartite steering committee to oversee the implementation of the new pay scale and replaced the chair of the Bangladesh Export Processing Zone Authority.

The BLA established occupational health and safety standards. Workers groups stated that legally established standards were sufficient, but they were rarely implemented. Workers may resort to legal action for enforcement of the law's provisions, but few cases were pursued legally. Enforcement by the Labor Ministry's industrial inspectors was weak, due to the low number of labor inspectors. Inspections were unannounced, but, in many cases, labor groups alleged that factory owners in collusion with inspectors received advance warning. There were 95 inspectors serving nationwide and 59 vacant positions. Many

workers alleged there was systemic and endemic corruption and inefficiency among inspectors.

Safety conditions at many workplaces were extremely poor. Because of high unemployment rates and inadequate enforcement of laws, workers demanding redress of dangerous working conditions or who refused to work under hazardous conditions risked losing their jobs. According to a report during the year by SweatFree Communities, during the first six months of the year, 356 garment workers were killed in work-related incidents arising from unsafe work environments. The report singled out the garment sector for deadly fires and the collapse of buildings, including a February fire at the Garib and Garib Sweater Factory in Dhaka that killed 21 workers; locked exits that prevented workers from escaping the factory contributed to the death toll. On December 14, a fire at a factory owned by the Ha-Mim Group at Ashulia in Savar killed at least 31 persons; blocked exits and allegedly locked doors contributed to the death toll in this case as well, as some workers jumped to their deaths from the ninth and 10th floors.

A standard workday is eight hours, but workers may work 10 hours a day in certain instances. Overtime is permitted, but the employer must pay double the basic wage and other allowances and interim wages for the overtime work. A standard workweek is 48 hours but can be extended up to 60 hours, subject to the payment of overtime allowances. By law the average workweek should not exceed 56 hours. Workers must have one hour of rest if they work for more than six hours a day, a half-hour of rest for more than five hours a day, and one hour's rest at intervals for more than eight hours' work in a day. Factory workers receive one day off every week. Shop workers receive one and a half days off per week.

In practice these legal limits were routinely violated and enforcement of these provisions was weak. In the ready-made garment sector, employers often required workers to work 12 hours a day or more to meet export deadlines, but they did not always properly compensate workers for their time. It was common practice for employers to delay workers' pay for months and deny full leave benefits,

Forced labor among Bangladeshi workers overseas remained common, in part because the government failed to exert effective controls on high recruitment fees and other forms of fraudulent recruitment.