



Home Office

Country Information and Guidance

**Bangladesh: Background information,
including actors of protection, and internal
relocation**

November 2014

Preface

This document provides supporting guidance to Home Office decision makers on handling claims made by nationals/residents of – but is predominantly country of origin information (COI) about – Bangladesh. It must be read in conjunction with the subject-specific country information and guidance reports. Public versions of these documents are available at <https://www.gov.uk/government/publications/bangladesh-country-information-and-guidance>.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Within this instruction, links to specific guidance are those on the Home Office's internal system. Public versions of these documents are available at <https://www.gov.uk/immigration-operational-guidance/asylum-policy>.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the European Asylum Support Office's research guidelines, [Country of Origin Information report methodology](#), dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please email: cois@homeoffice.gsi.gov.uk.

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office's COI material. The IAGCI welcomes feedback on the Home Office's COI material. Information about the IAGCI's work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's website at <http://icinspector.independent.gov.uk/country-information-reviews/>

It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

IAGCI may be contacted at:

Independent Chief Inspector of Borders and Immigration,

5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN.

Email: chiefinspectorukba@icinspector.gsi.gov.uk

Website: <http://icinspector.independent.gov.uk/country-information-reviews>

Contents

Section 1: Guidance	4
1.1 Summary of Issues	4
1.2 Consideration of Issues	4
1.3 Policy Summary	5
Section 2: Information	7
2.1 History	7
2.2 Economy	7
2.3 Geography and demography	7
2.4 Freedom of movement and internal relocation	8
2.5 Constitution	10
2.6 Political system	10
Legislature	11
2.7 Actors of protection	11
Security forces	11
Police	11
Armed forces	13
Effectiveness	13
Human rights violations and impunity	16
2.8 Rule of law and the judiciary	19
Organisation	19
Informal justice systems	20
Village courts and Salish	20
Independence	21
Fair trial	21
Juvenile justice	23
2.9 Corruption	24
2.10 Citizenship and nationality	26
2.11 Forged and fraudulently obtained documents	26
Annex A: Map of Bangladesh	28
Annex B: Caselaw	29

Section 1: Guidance

Updated: 28 November 2014

1.1 Summary of Issues

- ▶ Are those at risk able to seek effective protection?
- ▶ Are those at risk able to internally relocate within Bangladesh?

[Back to Contents](#)

1.2 Consideration of Issues

Are those at risk able to seek effective protection?

- 1.2.1 Whilst the country information suggests that there is a functioning criminal justice system, the effectiveness of the police is undermined by a lack of basic resources, including a lack of infrastructure, personnel, training and proper investigative equipment, inefficiency and endemic corruption. Despite measures to improve the police force and its service, through the Police Reform Programme, low wages, lack of education and poor working conditions contributed to a culture of corruption, and security forces commit serious abuses including torture to obtain confessions, enforced disappearances and extra-judicial killings with impunity. There have also been reports that the police often failed to prevent societal violence or protect members of religious minorities, political opponents, and women. The judiciary is highly bureaucratic, overburdened with a huge backlog of pending cases, has a limited number of trained judges and lawyers, is costly, and is subject to bribery, interference and political pressure, particularly at lower levels. The traditional justice system, *salish*, may result in double victimization for women, as often they obtain little or no remedy for violations and may be subjected to beating, whipping and stoning following fatwa rulings that are commonly used to subordinate women by punishing behaviour that is deemed inappropriate or immoral.
- 1.2.2 In particular regard to women, the Country Guidance case [SA \(Divorced woman – illegitimate child\) Bangladesh CG \[2011\] UKUT 00254\(IAC\)](#), 13 July 2011, found that ‘women subjected to domestic violence may not be able to obtain an effective measure of state protection by reason of the fact that they are women and may be able to show a risk of serious harm for a Refugee Convention reason. Each case, however, must be determined on its own facts.’
- 1.2.3 Decision makers must assess whether effective protection is available in relation to the particular circumstances and profile of the person. Any past persecution and past lack of effective protection may indicate that effective protection would not be available in the future.

See also:

- [Section 2: Information](#)
- the Asylum Instruction on [Considering Protection \(Asylum\) Claims and Assessing Credibility](#)

[Back to Contents](#)

Are those at risk able to internally relocate within Bangladesh?

- 1.2.4 Relocation to another area of Bangladesh may be viable depending on the nature of the threat from non state agents and the individual circumstances of the person, as long as it would not be unduly harsh to expect them to do so.
- 1.2.5 Bangladesh's total land area is 130,168 sq km with an estimated population of 166,280,712. The law provides for freedom of movement within the country, except for the Chittagong Hills Tracts (CHT) and Cox's Bazar, and these rights are generally respected in practice. Although there were no special controls with regards to the movement of women, their ability to move freely was often restricted. Many women in Bangladesh face multiple and intersecting forms of discrimination and are prevented from fully enjoying their rights, including their rights to health and education. Violence against women is of serious concern across the country. Women, especially single women with no support network, are likely to be vulnerable and may be subjected to destitution if forced to internally relocate.
- 1.2.6 In the case of a divorced woman with an illegitimate child, the Country Guidance case [SA](#) found that:
- 'The divorced mother of an illegitimate child without family support on return to Bangladesh would be likely to have to endure a significant degree of hardship but she may well be able to obtain employment in the garment trade and obtain some sort of accommodation, albeit of a low standard. Some degree of rudimentary state aid would be available to her and she would be able to enrol her child in a state school. If in need of urgent assistance she would be able to seek temporary accommodation in a woman's shelter. The conditions which she would have to endure in re-establishing herself in Bangladesh would not as a general matter amount to persecution or a breach of her rights under article 3 of the ECHR. Each case, however, must be decided its own facts having regard to the particular circumstances and disabilities, if any, of the woman and the child concerned. Of course if such a woman were fleeing persecution in her own home area the test for internal relocation would be that of undue harshness and not a breach of her article 3 rights.'
- 1.2.7 Careful consideration must be given to the relevance and reasonableness of internal relocation on a case by case basis taking full account of the individual circumstances of the particular person. Case workers need to consider the ability of the persecutor to pursue the person in the proposed site of relocation, and whether effective protection is available in that area. Decision makers will also need to consider the age, gender, health, ethnicity, religion, financial circumstances and support network of the person, as well as the security, human rights and socio-economic conditions in the proposed area of relocation, including their ability to sustain themselves.

See also:

- [Section 2: Information](#)
- the Asylum Instruction(s) on [Internal Relocation](#) and, in the case of a female applicant, [Gender Issues in the Asylum Claim](#)

[Back to Contents](#)

1.3 Policy Summary

- 1.3.1 Dependant on the particular circumstances and profile of the person, the ability to access effective protection from the state of Bangladesh may be limited due to a poorly resourced, overburdened, inefficient police force and endemic**

corruption. Some members of the security forces reportedly commit serious abuses, including torture, with impunity and members of religious minorities, political opponents and women are often victims of these abuses.

- 1.3.2** Internal relocation to another area of Bangladesh may be an option, but will depend on the nature and origin of the threat as well as the personal circumstances of the person. Relocation is likely to be unreasonable for single women with no support networks and who have no real prospect of securing access to a livelihood.

[Back to Contents](#)

Section 2: Information

2.1 History

- 2.1.1 For an overview of Bangladesh's recent history see the Freedom House report, [Freedom in the World: Bangladesh](#) and the BBC's [Bangladesh Profile](#), which includes a timeline of events.

2.2 Economy

- 2.2.1 The Asian Development Bank reported that Bangladesh's Gross Domestic Product (GDP) growth in the 2014 financial year (FY2014 ended 30 June 2014), was estimated at 6.1 per cent. Projections for FY2015 was 6.4 per cent. ¹
- 2.2.2 A report published by the World Bank in June 2013 showed that, despite a growing population, the number of poor people in Bangladesh had declined from 63 million to 47 million people between 2000 and 2010. The same report, noted that poverty reduction was closely linked to the growth in labour income and demographic change but that: 'nevertheless, while overall improvement of wellbeing was strong across all regions, poverty continues to be a substantial and stubborn problem in Bangladesh, where about 47 million people still live in poverty and 26 million people in extreme poverty. Moreover, poverty in rural areas continues to be relatively more pervasive and extreme than in urban areas, whereas urban areas remain relatively more unequal [...]. Fertility rates had been steadily dropping for decades, resulting in lower dependency ratios [...]. While the rate of poverty reduction was comparable across urban and rural areas, extreme poverty 'continued to be a rural phenomenon'. ²
- 2.2.3 According to the Bangladesh Bureau of Statistics (BBS), the average annual per capital income was \$1,190 USD (provisional for year 2013-14). ³

[Back to Contents](#)

2.3 Geography and demography

- 2.3.1 The capital of Bangladesh is Dhaka. The country is divided into seven administrative divisions – Barisal, Chittagong, Dhaka, Khulna, Rajshahi, Rangpur, and Sylhet. ⁴ As of 31 December 2010, there were 64 Districts, 483 'Upazila' (sub-districts), 599 'Thana' (police districts) and approximately 4500 'Union Parishads'. There are also six 'city corporations' and 309 urban municipalities in the country. ⁵
- 2.3.2 Bangladesh's population was estimated to be 166,280,712 (male: -80,806,291; female: 85,474,421) as of July 2014. Bangladesh's major urban areas (estimated population in brackets, as of 2011) are the capital, Dhaka (15.391 million); Chittagong (5.239 million);

¹ Asian Development Bank, Asian Development Outlook 2014 Update: Bangladesh Economy, 2014, <http://www.adb.org/countries/bangladesh/economy>, date accessed 3 October 2014

² World Bank: Gimenez, Lea; Ahmed, Faizuddin; Sharif, Iffath; Jolliffe, Dean. 'Bangladesh - Poverty assessment : assessing a decade of progress in reducing poverty, 2000-2010', 19 June 2013, Foreword and Executive Summary, http://www-wds.worldbank.org/external/default/WDSPContentServer/WDSP/IB/2013/06/18/000442464_20130618122131/Rend

[ered/PDF/785180BRI0Worl0Box0377340B00PUBLIC0.pdf](http://www-wds.worldbank.org/external/default/WDSPContentServer/WDSP/IB/2013/06/18/000442464_20130618122131/Rend), date accessed 28 October 2014.

³ Bangladesh Bureau of Statistics, GDP, GNI growth rates, undated, http://www.bbs.gov.bd/WebTestApplication/userfiles/Image/GDP/GDP_2013-14.pdf date accessed 30 October 2014

⁴ CIA, The World Factbook, Bangladesh, updated 23 June 2013, Government, <https://www.cia.gov/library/publications/the-world-factbook/geos/bg.html>, date accessed 6 October 2014

⁵ Bangladesh Bureau of Statistics, 'Statistical Yearbook of Bangladesh 2010', Chapter 2 <http://203.112.218.66/WebTestApplication/userfiles/Image/SY2010/Chapter-02.pdf>, date accessed 6 October 2014

Khulna (1.781 million); Rajshahi (932,000).⁶ Bangladesh has a total land area of 130,168 sq km.⁷

- 2.3.3 The main ethnic group of Bangladesh is Bengali at 98 per cent. The remaining two per cent included tribal groups and non-Bengali Muslims (as of 1998 census). The official language is Bangla, also known as Bengali.⁸ There are estimated to be about two million indigenous people ('Adivasis'), who live mainly in the Chittagong Hill Tracts. They consist of at least twelve tribal groups, the predominant ones being the Chakmas, Marma and Tripura. Many groups have their own language or dialect. There are also 250,000 to 300,000 Urdu-speakers in Bangladesh, collectively known as 'Biharis'.⁹ As of 2004, Muslims constituted 89.5 per cent of the population, Hindus 9.6 per cent, and other 0.9 percent.¹⁰

[Back to Contents](#)

2.4 Freedom of movement and internal relocation

- 2.4.1 The U.S. Department of State reported in its annual report covering 2013 that the law provides for freedom of movement within the country, foreign travel, emigration, and repatriation and, except in two sensitive areas, the Chittagong Hills Tracts (CHT) and Cox's Bazar, these rights were generally respected. The US Department of State noted 'Passport holders do not require exit permits or visas to leave the country. There were no special controls on women or minorities.'¹¹ However, according to the International Anglican Women's Network, freedom of movement for women is usually restricted to the vicinity of their homes and local neighbourhoods. The report further stated that 'The Islamic practice of purdah may further limit their participation in activities outside the home, such as education, employment and social engagements. The degree of these restrictions depends very much on the traditions of individual families, but many women generally need the permission of their husbands to engage in any such activities.'¹²
- 2.4.2 The April 2014 Report of the Special Rapporteur on violence against women, its causes and consequences noted that:

'Many women in Bangladesh face multiple and intersecting forms of discrimination, including women with disabilities, indigenous and minority women, and migrant workers. Regrettably, comprehensive disaggregated data on all forms of violence against women is still largely unavailable in Bangladesh, despite widespread acknowledgement that violence against women is of serious concern across the country. [...] Women's enjoyment of human rights is generally impacted by the social and cultural constructions of gender. In Bangladesh, women's roles and status are marked by duties as homemakers, and more specifically as mothers. These stereotypes place women at a disadvantage and prevent women from fully enjoying their rights to, among others,

⁶ CIA, The World Factbook, Bangladesh, updated 23 June 2013, People and society, <https://www.cia.gov/library/publications/the-world-factbook/geos/bg.html>, date accessed 6 October 2014

⁷ CIA, The World Factbook, Bangladesh, updated 23 June 2013, Geography, <https://www.cia.gov/library/publications/the-world-factbook/geos/bg.html>, date accessed 6 October 2014

⁸ CIA, The World Factbook, Bangladesh, updated 23 June 2013, People and society, <https://www.cia.gov/library/publications/the-world-factbook/geos/bg.html>, date accessed 6 October 2014

⁹ Minority Rights Group International, World Directory of Minorities and Indigenous Peoples - Bangladesh : Overview, February 2011, Adivasis: <http://www.minorityrights.org/5636/bangladesh/adivasis.html> Biharis: <http://www.minorityrights.org/?lid=5637> Accessed 22 May 2013

¹⁰ CIA, The World Factbook, Bangladesh, updated 23 June 2013, People and society, <https://www.cia.gov/library/publications/the-world-factbook/geos/bg.html>, date accessed 6 October 2014

¹¹ US Department of State, Country Report on Human Rights Practices 2013, Bangladesh, 27 February 2014, section 2d, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dldid=220388#wrapper>, date accessed 6 October 2014

¹² International Anglican Women's Network, The Church of Bangladesh, undated, <http://iawn.anglicancommunion.org/world/bangladesh.cfm>, date accessed 13 October 2014

health and education. They also prevent women from contributing to the overall transformation and development of their society.’¹³

2.4.3 UNICEF noted in June 2010 that ‘In a strictly patriarchal society like Bangladesh, being without a male protector and provider can render women vulnerable to abuse and isolation from the community.’¹⁴

2.4.4 With regards to single women, the Immigration and Refugee Board of Canada noted in a response dated October 2013 that:

‘In terms of women's ability to relocate on their own to other areas of Bangladesh, the Professor of Anthropology [at BRAC University, Dhaka] stated:

“As in other arenas, single women's relocation to other parts of the country is much more difficult. In the absence of state services, people rely on kinship ties and an active system of social support from the local community to get by. A newly divorced or single woman relocating will have none of the advantages of social ties but all of the disadvantages of being without a male protector. (Professor 2 Oct. 2013)

‘A visiting scholar at the Center for Women, Gender and Sexuality at Rice University, who was also an associate professor of law at the University of Dhaka, noted that in rural areas of Bangladesh, young women who are unaccompanied by male guardians are “socially ostracised” and that single and divorced women, in general, are looked down upon by society (Visiting Scholar 3 Oct. 2013). She noted that single, divorced, and widowed women in Bangladesh “do not have sufficient resources to build a sustainable life” (ibid.). She further said that if they relocate, it is more difficult for them and they face the possibility of “re-victimization” (ibid.). The AHRC reports that women are not safe walking unaccompanied by a man in most parts of Bangladesh, and that women and girls are “almost regularly” victims of stalking and sexual violence (AHRC 8 Mar. 2012).

‘Sources indicate that landlords in Bangladesh may require a male co-signer to rent an apartment, although this is not a legal requirement (Research Initiatives Bangladesh 2 Oct. 2013; Visiting Scholar 3 Oct. 2013; Professor 2 Oct. 2013). The extent to which a male co-signer is needed varied among sources: The AHRC Program Officer said that a male co-signer, such as a husband or brother, is needed for “most ordinary women,” but there are some exceptions, such as for movie stars or famous politicians (AHRC 1 Oct. 2013), whereas the Director of Research Initiatives Bangladesh said that “sometimes” a male co-signer is needed but “often” is not needed, depending on the landowner and the location (2 Oct. 2013).’¹⁵

2.4.5 The US Committee for Refugees and Immigrants (USCRI) ‘World Refugee Survey 2009’, published 17 June 2009, recorded ‘The 1972 Constitution reserves its protection of freedom of movement to citizens, while the 1946 Foreigner's Act, without exceptions for refugees, permits the Government to require foreigners to reside in particular places and to impose “any restrictions” on their movements. Bangladesh has no law,

¹³ UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo Addendum : Mission to Bangladesh (20–29 May 2013), 1 April 2014, A/HRC/26/38/Add.2, paragraphs 6, 44, available at: <http://www.refworld.org/docid/539831154.html> date accessed 24 October 2014

¹⁴ UNICEF, Women and girls in Bangladesh, June 2010, Issues – child marriage, http://www.unicef.org/bangladesh/Women_and_girls_in_Bangladesh.pdf, date accessed 28 November 2014

¹⁵ Immigration and Refugee Board of Canada, Bangladesh: Situation and treatment of Hindu Manipuri ethnic minority, including women; ability of women, particularly Manipuri women, to relocate and access housing and employment within Bangladesh (2006-October 2013), 9 October 2013, BGD104622.E, available at: <http://www.refworld.org/docid/542a83614.html> date accessed 26 November 2014

regulation, or formal policy regulating the confinement of refugees and asylum seekers; authorities simply do it arbitrarily.’¹⁶

[Back to Contents](#)

2.5 Constitution

- 2.5.1 For its full text plus amendments see [The Constitution of the People's Republic of Bangladesh](#). The Preamble states that it shall be a fundamental aim of the State to realise through the democratic process a socialist society, free from exploitation a society in which the rule of law, fundamental human rights and freedom, equality and justice, political, economic and social, will be secured for all citizens...¹⁷

[Back to Contents](#)

2.6 Political system

- 2.6.1 As cited by Jane's Sentinel Security Assessment:
‘Following the change to a parliamentary system of government in 1991 the president, who is elected by parliament for a five-year term and is head of state, acts on the advice of the prime minister with whom executive authority rests. The prime minister, who is appointed by the president and is head of government, presides over a cabinet that is collectively responsible to parliament... The president may dissolve parliament upon the written request of the prime minister.’¹⁸
- 2.6.2 The Foreign and Commonwealth Office reported on political violence in Bangladesh, stating that:
‘Bangladesh's 9th Parliamentary elections, in December 2008, restored democracy to the country after nearly two years of military-backed caretaker government. The following five years saw Bangladesh make great progress in economic and social development. However, a confrontational and violent political culture saw little meaningful reform. As a result, the build-up to Bangladesh's 10th Parliamentary elections, held on 5 January 2014, was marked by deplorable levels of violence, intimidation, and economic disruption (enforced general strikes and transport blockades), as parties failed to reach consensus on electoral arrangements.’¹⁹
- 2.6.3 Human Rights Watch noted in an April 2014 report on ‘Opposition Violence and Government Abuses in the 2014 Pre- and Post- Election Period in Bangladesh’ that ‘Parliamentary elections in Bangladesh in January 2014 were the most violent in the country's history. Months of political violence before and after the elections left hundreds dead and injured across the country.’²⁰
- 2.6.4 Jane's reported that the Awami League (AL) won 234 seats in the January 2014 elections. Jane's added ‘With 34 seats, the Jatiya Party leads the current opposition in parliament. However, this is only because the BNP [Bangladesh Nationalist Party], the

¹⁶ United States Committee for Refugees and Immigrants, World Refugee Survey 2009 - Bangladesh, 17 June 2009, Freedom of Movement and Residence, available at: <http://www.refworld.org/docid/4a40d29f7f.html>, date accessed 7 October 2014

¹⁷ The Constitution of the People's Republic of Bangladesh, 4 November 1972, http://bdlaws.minlaw.gov.bd/pdf_part.php?id=367, date accessed 7 October 2014

¹⁸ Jane's Information Group Sentinel Security Assessment: Bangladesh, Internal affairs, updated 25 July 2014, (subscription only) <http://www.janes.com/>, date accessed 9 October 2014

¹⁹ Foreign and Commonwealth Office, Country case study: Bangladesh – political violence, 10 April 2014, <https://www.gov.uk/government/case-studies/country-case-study-bangladesh-political-violence>, date accessed 7 October 2014

²⁰ Human Rights Watch, Democracy in the Crossfire: Opposition Violence and Government Abuses in the 2014 Pre- and Post- Election Period in Bangladesh, 29 April 2014, I Summary p. 1 <http://www.hrw.org/reports/2014/04/29/democracy-crossfire> date accessed 24 October 2014

ruling AL's traditional opponent, boycotted the January 2014 election after its demand for a neutral government to oversee the election was not met.' ²¹

[Back to Contents](#)

Legislature

2.6.5 Jane's Sentinel Security Assessment noted that:

'Legislative power is vested in the Jatiya Sangsad (unicameral parliament), which has a five-year tenure and comprises 300 members directly elected by universal suffrage from territorial constituencies. Bills introduced in parliament are referred for scrutiny to an appropriate committee, headed by a member of parliament rather than a minister. There is an Institute of Parliamentary Practice that provides assistance to members of parliament in the discharge of their duties and responsibilities. Since 1972 there has been no increase in the number of constituencies and MPs while the population has grown rapidly. However, during the term of the interim government some 133 constituencies were redrawn. At the local level, the country is divided into divisions, districts, sub-districts, unions and villages.' ²²

2.6.6 The US Department of State noted in its human rights report on Bangladesh, covering 2013 events, that:

'There are no laws preventing women or minorities from voting or participating in political life. Women are eligible to contest any of the 300 directly elected seats in parliament, and an additional 50 seats are reserved for women. [In 2013] there were 69 women in parliament, 19 directly elected and 50 chosen by political parties based on their proportional representation in parliament. Five women were full cabinet ministers, and three women served at the state ministerial level. Shirin Sharmin Chaudhury became the speaker of parliament on June 2. There is no provision to reserve parliamentary seats for minorities.' ²³

[Back to Contents](#)

2.7 Actors of protection

Security forces

2.7.1 The US Department of State reported in its Country Report on Human Rights 2013 that 'Police, who fall under the jurisdiction of the Ministry of Home Affairs (MHA), have a mandate to maintain internal security and law and order. The army, organized under the Prime Minister's Office, is responsible for external security, but it can be called to help with a variety of domestic security responsibilities when required to, "in aid to civil authority." The army and MHA security forces maintain a significant presence in the Chittagong Hills Tracts (CHT) to monitor the 1997 CHT Peace Accord.' ²⁴

Police

2.7.2 Jane's Sentinel Security Assessment, updated 25 July 2014, stated:

²¹ Jane's Information Group Sentinel Security Assessment: Bangladesh, Internal affairs, updated 25 July 2014(subscription only) <http://www.janes.com/>, date accessed 9 October 2014

²² Jane's Information Group Sentinel Security Assessment: Bangladesh, Internal affairs, updated 25 July 2014, (subscription only) <http://www.janes.com/>, date accessed 9 October 2014

²³ US Department of State, Country Report on Human Rights Practices 2013, Bangladesh, 27 February 2014, section 3, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220388>, date accessed 6 October 2014

²⁴ US Department of State, Country Report on Human Rights Practices 2013, Bangladesh, 27 February 2014, section 1a, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220388>, date accessed 6 October 2014

'The police are divided in to the main branches of traffic, the Armed Police Battalion (APBn), Criminal Investigation Department (CID), Special Branch (SB), Rapid Action Battalion (RAB), metropolitan and divisional range police. The 6 metropolitan cities (Dhaka, Chittagong, Khulna, Barisal, Sylhet and Rajshahi) have separate, metropolitan police services commanded by commissioners. There are 7 police ranges, 1 in each of the country's 6 metropolitan cities and a railway range. There are also 10 APBns, each covering areas of operational importance such as the capital and the Chittagong Hill Tracts.'²⁵ In a 2009 report, the International Crisis Group (ICG) recorded the Bangladeshi police force consisted of 123,197 police officers citing approximately one police officer for every 1,200 people the lowest ratio in South Asia and nearly three times lower than the UN's recommended ratio of 1:450.²⁶ The ICG added 'Dhaka, a city of twelve million [in 2008], has roughly one officer for every 520 people although closer to the recommended ratio, it is still inadequate to meet the capital's security needs. In other cities ratios are even lower. For example in Sylhet, in the north east, there is one police officer for every 3,500 people and in the resort town of Cox's Bazaar the ratio is 1:2,000. A senior police official in Sylhet voiced a complaint often heard in the districts: 'There is a shortage of police here; it's an ongoing crisis. How can we be expected to tackle crime when there are more criminals than police? A criminal can walk freely because he knows that we don't have the manpower to arrest him.'²⁷

2.7.3 The United Nations Development Programme (UNDP) in Bangladesh, which began in October 2009 and was estimated to end on 30 September 2014, reported on the Police Reform Programme Phase II and cited its accomplishments so far:

- Established victim support centres in Dhaka and Rangamati, which have provided services to 1,661 women and children since October 2009.
- Facilitated access to better police services for over 7.57 million people through six fully constructed Model Thanas and 18 service delivery centres which are nearing completion.
- Strengthened 2,330 community policing forums.
- Trained over 21,000 police personnel, NGO and community members, including over 16% of all investigating officers.
- Assisted the Bangladesh Police with doubling the number of women police from 1.8% to 4.53% of all officers.
- Supported the revising of the draft Police Ordinance 2007 and the publishing of the Bangladesh Police Strategic Plan 2012-2014.
- Successfully advocated for the establishment of new information and communication technology management structure in the police headquarters and police telecom and information management.²⁸

[Back to Contents](#)

²⁵ Jane's Information Group Sentinel Security Assessment: Bangladesh, Security and foreign forces, updated 25 July 2014, (subscription only) <http://www.janes.com/>, date accessed 9 October 2014

²⁶ International Crisis Group, Bangladesh: Getting police reform back on track, 11 December 2009, pages 8-9, <http://www.crisisgroup.org/~media/Files/asia/south-asia/bangladesh/182%20Bangladesh%20Getting%20Police%20Reform%20on%20Track.pdf>, date accessed 7 October 2014

²⁷ International Crisis Group, Bangladesh: Getting police reform back on track, 11 December 2009, page 9, <http://www.crisisgroup.org/~media/Files/asia/south-asia/bangladesh/182%20Bangladesh%20Getting%20Police%20Reform%20on%20Track.pdf>, date accessed 7 October 2014

²⁸ UNDP, Police Reform Programme Phase II, undated, http://www.bd.undp.org/content/bangladesh/en/home/operations/projects/democratic_governance/police-reform-programme-phase-ii/, date accessed 8 October 2014

Armed forces

- 2.7.4 The total strength of Bangladesh's armed forces was estimated at 172,000 (140,000 Army, 17,000 Air Force and 15,000 Navy personnel), with 50,000 reservists.²⁹ Jane's noted:

'The army has traditionally been involved in politics, and the effective governing of Bangladesh requires the support of the armed forces. Factionalism has been rife, born of efforts by the three main political parties to nurture a support base among specific groups of favoured officers. This adversely affected both organisational cohesion and professional competence of the three services. All rulers, whether elected or otherwise, have sought to maintain control over the military by various means. Their efforts to promote supportive factions have fragmented the officers corps.'³⁰

[Back to Contents](#)

Effectiveness

- 2.7.5 Jane's Sentinel Security Assessment reported:

'The country's police force is widely seen as dysfunctional, not least because of endemic corruption, human rights abuses (with the RAB particularly the focus of accusations, after its leading role against the JMB [Jamatul Mujahedin Bangladesh] in the mid-2000s), and dire working conditions. Moves to create new police units and improve the quality of policing have been underway since 2002. In 2003, the first serious police reform initiative in Bangladesh was started by the UN Development Program (UNDP). This led to the introduction of a Draft Police Ordinance in 2007 that sought to update police legislation by creating accountability mechanisms, limiting illegitimate political interference of police operations, and professionalising law enforcement. However, the ordinance stalled and was never promulgated. A new "Strategic Plan 2012-14" was launched in late 2012, but progress on its aims has been limited. "Crime management, public order, traffic, intelligence, community policing, human resources, logistics, training, ICT and service delivery" are its 10 priority areas, alongside a focus on improving human rights and gender equality.'³¹

- 2.7.6 A report published by Landinfo, the Norwegian Country of Origin Information Centre, dated 4 July 2013, stated in its summary that:

'The police force in Bangladesh is generally inefficient, and corruption is widespread at all levels. Low wages, lack of education and poor working conditions contribute to maintain corruption and susceptibility to pressure. Police investigation of criminal offenses is often inadequate, and the police can be reluctant to investigate persons affiliated with the ruling political party. Malicious accusations and fabricated cases occur in order to frame personal and political "enemies", and to achieve financial gain.'³²

- 2.7.7 REDRESS concluded in its report regarding torture in Bangladesh, the law and practice, that:

'Torture remains endemic in Bangladesh. Throughout the public sector, there is a lack of basic resources, including a lack of infrastructure, personnel, training and proper

²⁹ Jane's Information Group, Sentinel Security Assessment: Bangladesh, Armed forces, updated 21 July 2014, (subscription only) <http://www.janes.com/date> accessed 9 October 2014

³⁰ Jane's Information Group, Sentinel Security Assessment: Bangladesh, Army, updated 11 April 2012, (subscription only) <http://www.janes.com/date> accessed 9 October 2014

³¹ Jane's Security Sentinel Bangladesh, Security and foreign forces, updated 25 July 2014, date accessed 7 October 2014 (subscription only),

³² Landinfo – Norwegian Country of Origin Information Centre, Report on police and justice (corruption; false documents; working conditions; political pressure and abuse of power; reporting of criminal offences; arrests and detention; use of violence; false accusations; trials in absentia), 4 July 2014, page 3, available at http://www.ecoi.net/file_upload/1226_1383830136_2449-1.pdf, date accessed 13 October 2014

investigative equipment, which contributes to the use of torture as an “effective” and accepted tool for criminal investigation. In addition, there is a fundamental lack of separation of powers and political interference from the executive has led to politically motivated decisions and lack of accountability for human rights violations, including the lack of disciplinary action against law enforcement personnel alleged to be responsible for torture. Officials benefit from immunities provided for in several laws and there is no functioning, independent system dealing with complaints of torture committed by law enforcement officials. As a result, the prospect of successful prosecutions in relation to allegations of torture or related violations is remote.’³³

2.7.8 REDRESS further reported that:

‘One of the main purposes of torture by law enforcement officials is to obtain a “confessional statement.” There is a basic pattern leading to the torture of an accused person; he or she is first arrested by the police and may be verbally abused and subjected to a few slaps or kicks during that time. He or she has to be presented before a Magistrate within 24 hours of the arrest, when the police may ask for up to 15 days remand in order to “question” the arrestee. Remand is what all detainees fear. It is during that time that they are beaten, intimidated, given electric shocks, kicked and verbally abused in order to extract a confession and a quick “solution” to the crime. [...] There are also reports of law enforcement officials demanding bribes from detainees or their families if they wish to avoid torture or further detention.’³⁴

2.7.9 The UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to Bangladesh (20–29 May 2013) , stated:

‘Active steps have been taken to redefine the police force as a service. Gender guidelines have been drafted for model police stations through the police reform programme. The Special Rapporteur was informed that the police apply a “zero tolerance” policy when dealing with cases of violence against women. The Government has also taken measures to promote gender-sensitive policing and improve victim support services through its Police Reform Programme. In 2009, the first Victim Support Centre was established at Tejgaon Thana Model Police Station. The rehabilitation services are implemented by 10 NGOs who have signed Memoranda of Agreement with the police. The establishment of such a centre within a policing environment has encouraged victims to report crimes to the police in a safe and secure environment, while accessing professional services. The Special Rapporteur was informed by officials in Rangamati that, while attempts to increase the recruitment of female officers have been made, there are currently only 5,000 women out of 14,000 police officers. The Special Rapporteur was concerned to hear male representatives of the police force in Khulna alleging that some victims engage in false reporting of incidents of rape or sexual assault in order to punish partners for refusing to commit to a relationship. She considers that these attitudes perpetuate stereotypes.’³⁵

2.7.10 The same source reported that:

‘In Bangladesh, the main challenges relating to the investigation, prosecution and punishment of perpetrators for acts of violence against women are due to the lack of:

³³ REDRESS, Torture in Asia: The law and practice, October 2013, ISSN 1811 7023, page 49, available at: <http://www.refworld.org/docid/52fa25204.html>, date accessed 13 October 2014

³⁴ REDRESS, Torture in Asia: The law and practice, October 2013, ISSN 1811 7023, page 49, available at: <http://www.refworld.org/docid/52fa25204.html>, date accessed 13 October 2014

³⁵ UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo Addendum : Mission to Bangladesh (20–29 May 2013) , 1 April 2014, A/HRC/26/38/Add.2, paragraph 64, available at: <http://www.refworld.org/docid/539831154.html>, date accessed 9 October 2014

coordinated criminal justice response; expertise and adequate mechanisms to conduct credible investigations; comprehensive redress mechanisms; and understanding of the root causes and consequences of violence against women. [...] There is reportedly also a lack of basic expertise and facilities for the conduct of investigations, particularly in crimes relating to sexual violence. Police officers often fail to collect necessary evidence or deliberately destroy it. While medical examinations are supposed to be completed as soon as possible after an incident of sexual violence is reported, delays are common in conducting medical examinations, preparing the medical reports and submitting them to the competent courts. Furthermore, it is reported that victims have no guarantees that their injuries will be properly documented and reflected in medical examination reports, due to factors such as the patriarchal mindset of the police and doctors; inefficiency; lack of modern facilities; and corruption throughout the process.’³⁶

2.7.11 Odhikar noted in its annual report covering 2013 that:

‘Bangladesh has special criminal laws to punish perpetrators of acts of violence against women. Lack of implementation of laws, corruption in the law enforcement agencies and police disinterest in domestic violence issues – along with local political patronage – all play a part in protecting perpetrators and denying justice to victims. As a result, violence against women is widespread. Domestic violence, dowry violence, rape, acid throwing, stalking and discrimination against women prevail in society.’³⁷

2.7.12 The U.S. Department of State reports in its annual report covering 2013 that ‘Security forces failed to prevent societal violence.’³⁸

2.7.13 The US Department of State reported in 2013 that:

‘Civilian authorities maintained effective control over the armed forces, and the government has mechanisms to investigate and punish abuse and corruption. These mechanisms were not regularly employed, however. The government took steps to improve police professionalism, discipline, training, and responsiveness and to reduce corruption. For example, a 20-officer internal affairs unit established within the RAB [Rapid Action Battalion] in 2011 received two allegations of abuse; it dismissed one and was taking action on the other at year’s end. Police incorporated instruction on the use of force into their basic training as part of a campaign to implement community-based policing.

‘Despite such efforts security forces, including the RAB, continued to commit abuses with impunity. Plaintiffs were reluctant to accuse police in criminal cases due to lengthy trial procedures and fear of retribution. Reluctance to bring charges against police also perpetuated a climate of impunity.’³⁹

2.7.14 The same source added:

‘Although the constitution and law prohibit torture and other cruel, inhuman, or degrading treatment or punishment, local and international human rights organizations and the media reported security forces, including the RAB and police, employed torture

³⁶ UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo Addendum : Mission to Bangladesh (20–29 May 2013), 1 April 2014, A/HRC/26/38/Add.2, paragraphs 71 and 73, <http://www.refworld.org/docid/539831154.html>, date accessed 24 October 2014

³⁷ Odhikar, Human Rights Report 2013, 15 April 2014, Executive Summary, Violence against Women, paragraph 38, <http://odhikar.org/human-rights-report-2013-odhikar-report-on-bangladesh/>, date accessed 24 October 2014

³⁸ US Department of State, Country Report on Human Rights Practices 2013, Bangladesh, 27 February 2014, section d, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220388>, date accessed 24 October 2014

³⁹ US Department of State, Country Report on Human Rights Practices 2013, Bangladesh, 27 February 2014, section 1a, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220388>, date accessed 6 October 2014

and physical and psychological abuse during arrests and interrogations. Security forces used threats, beatings, and electric shock. According to Odhikar, security forces tortured 23 persons, killing eight. The government rarely charged, convicted, or punished those responsible.’⁴⁰

- 2.7.15 Transparency International Bangladesh reported in its National Household Survey 2012, dated December 2012, that, of the households surveyed who received services from law enforcement agencies, 75.8 per cent were victims of corruption in some form. Of those who were victims of corruption, 89 per cent either paid, or were compelled to pay, a bribe. According to the survey, among the bribe paying households, the largest number of households (25.9%) had to pay bribes for lodging General Diary or FIR [First Information Report], followed by getting exact and flawless information and hassle-free verification/ clearance certificate (20.4%), avoiding arrest (14%), not filing case for breaking traffic rule (11.7%), getting the accused arrested (8.1%), and lodging charge sheets properly and on time (7.2%).⁴¹

See [Corruption](#)

[Back to Contents](#)

Human rights violations and impunity

- 2.7.16 Amnesty International reports in September 2014 that it ‘has reported on a catalogue of human rights violations in Bangladesh in recent years, which are ongoing and have not been addressed. These include enforced disappearances, torture, restricting the right to freedom of expression, extrajudicial executions, violence against minorities, violence against women, the situation of the indigenous people of the Chittagong Hill Tracts, and the death penalty.’⁴²

- 2.7.17 Odhikar reports in its annual report covering 2013 that:

‘In Bangladesh, successive governments have consistently failed to meet obligations to investigate violations; to take appropriate measures in respect of perpetrators, particularly in the area of justice, by ensuring that those suspected of criminal activities are prosecuted, tried and duly punished; to provide victims with effective remedies and to ensure that they receive reparation for the injuries suffered; to ensure the inalienable right to know the truth about violations; and to take other necessary steps to prevent a recurrence of violations. This has enabled the culture of impunity to take deep root. [...] The Police Force in Bangladesh is probably among one of the most corrupted institutions in Bangladesh. The use of torture in custody to extract money from the accused is habitual in police stations while investigations and punishment against any misconduct of a member of the police force are often biased. There is a prevailing culture of impunity among the police and, in general, law enforcement agencies in Bangladesh.’⁴³

⁴⁰ US Department of State, Country Report on Human Rights Practices 2013, Bangladesh, 27 February 2014, section 1c, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220388>, date accessed 6 October 2014

⁴¹ Transparency International Bangladesh, National Household Survey 2012, December 2012, page 17, <http://www.ti-bangladesh.org/files/HHSurvey-ExecSum-Eng-fin.pdf>, date accessed 8 October 2014

⁴² Amnesty International, Bangladesh: Stop enforced disappearances, torture and restrictions on freedom of expression, 2 September 2014, <http://www.amnesty.org/en/library/asset/ASA13/006/2014/en/aaa18316-ead1-44fb-80fb-1cc52f83613e/asa130062014en.pdf> date accessed 24 October 2014

⁴³ Odhikar, Human Rights Report 2013, 15 April 2014, Culture of Impunity paragraph 237, and Chapter X, The Judiciary paragraph 357 <http://odhikar.org/human-rights-report-2013-odhikar-report-on-bangladesh/> date accessed 24 October 2014

2.7.18 Human Rights Watch (HRW) reported in its World Report 2014, covering 2013 events, that:

‘Bangladeshi security forces frequently used excessive force in responding to street protests, killing at least 150 protesters and injuring at least 2,000 between February and October 2013. While large numbers of protesters were arrested, Bangladeshi authorities made no meaningful efforts to hold members of the security forces accountable. At least 90 protesters were killed by security force gunfire during the clashes among the Shahbagh movement, Jamaat-e-Islami supporters, and security forces in March and April.

‘In response to the May 5-6 Hefazat protests, the police, the paramilitary Rapid Action Battalion (RAB), and the Border Guards Bangladesh (BGB) fired indiscriminately into crowds and brutally and unlawfully beat protesters, leading to approximately 50 deaths. At least a dozen members of the security forces and police officers were also killed, as well as three members of the ruling Awami League party.’⁴⁴

2.7.19 Amnesty International reported ‘The opposition protests against (the January 2014) elections were frequently violent resulting in more than 100 people killed, most of whom died in violent clashes between the police and protestors, and some in clashes between rival political party supporters...’ adding that it was unaware of ‘police or security officials involved in the operations that resulted in those deaths have been investigated through an independent and impartial mechanism. Consequently, no one has been brought to justice for any unlawful killings.’⁴⁵

2.7.20 In addition, HRW reported in July 2014 that ‘The Bangladesh government should disband the paramilitary Rapid Action Battalion (RAB). [...] Evidence that RAB officers were responsible for the contract killings of seven men in April 2014, allegedly on behalf of a ruling party member, have provoked outrage in Bangladesh and are yet another example of how the unit has operated as a death squad, Human Rights Watch said. [...] Over the last decade, successive governments led by the BNP, the subsequent military-backed caretaker regime, and since 2009, the Awami League, have allowed the force to operate with impunity, leading to serious and systematic abuses. RAB has been responsible for numerous acts of torture and other ill-treatment, arbitrary arrests, and approximately 800 killings over the last 10 years.’⁴⁶

2.7.21 The human rights organisation, Odhikar, provided monthly human rights monitoring reports, covering, amongst other issues: political violence, extrajudicial killings, torture in custody and allegations of enforced disappearance.⁴⁷

2.7.22 Odhikar reported in its 2013 human rights report that:

‘During the period from January to December 2013, according to information gathered by Odhikar, 329 persons were allegedly killed extra-judicially by law enforcement agencies. It is to be noted that among the 329 persons who were extrajudicially killed, 169 were shot to death, four were killed in cross-fire and one was beaten to death during political violence. 70 persons were killed extra judicially in 2012, 84 persons were killed extra judicially in 2011, 127 in 2010 and 154 in 2009.’⁴⁸ The report added that

⁴⁴ Human Rights Watch, World Report 2014, Bangladesh, 21 January 2014, Unlawful violence against protesters, <http://www.hrw.org/world-report/2014/country-chapters/bangladesh?page=2>, date accessed 9 October 2014

⁴⁵ Amnesty International, Bangladesh: Stop enforced disappearances, torture and restrictions on freedom of expression, 2 September 2014, <http://www.amnesty.org/en/library/asset/ASA13/006/2014/en/eea18316-ead1-44fb-80fb-1cc52f83613e/asa130062014en.pdf> date accessed 9 October 2014

⁴⁶ Human Rights Watch, Bangladesh: Disband Death Squad, 21 July 2014, <http://www.hrw.org/news/2014/07/20/bangladesh-disband-death-squad>, date accessed 9 October 2014

⁴⁷ Odhikar, Reports, Human rights monitoring report (published monthly), <http://odhikar.org/page/1/?cat=16>, date accessed 9 October 2014

⁴⁸ Odhikar, Human Rights Report 2013, 15 April 2014, paragraph 220, <http://odhikar.org/human-rights-report-2013-odhikar-report-on-bangladesh/>, date accessed 9 October 2014

‘Different terminologies have been used by the law Enforcement agencies to distract from extrajudicial killings, such as “deaths during crossfire”, “encounter”, etc. However, cross-fire is widely used when members of law enforcement agencies typically pick up a victim and then, according to those agencies, while recovering weapons with the arrestee, his “hidden accomplices” emerge, open fire and in the process, the arrestee becomes the sole casualty.’⁴⁹

2.7.23 In an October 2013 report regarding torture in Bangladesh, REDRESS stated:

‘According to the Bangladeshi human rights organisation Odhikar’s annual reports on torture cases spanning the last 10 years, the following categories of victims of torture are identified:

- Poor and marginalised groups, including pavement hawkers, small shop owners and shop workers. Such individuals-who cannot afford legal representation – can be tortured into giving a confession and consequently implicated in a pending investigation, regardless of their innocence or guilt in the alleged offence.
- Religious minorities – such as Hindus, Buddhists and Christians – have also been subject to torture and ill-treatment, with abuses reportedly being committed by the armed forces, extremist groups and Bengali settlers in the Chittagong Hill Tracts region of southeast Bangladesh.
- Opposition political party activists, including the main opposition group the Bangladesh Nationalist Party (BNP) and all other organisations that contest the governing party. This category also includes “banned” organisations, such as the Hizb-ut-Tahrir.
- Members of “underground” or “outlawed” political parties.
- Individuals who are vocal about human rights issues, including journalists, human rights defenders, lawyers, social workers and teachers.’

2.7.24 The same source reported that extra-judicial killings and disappearances have also been widely reported. Such killings are often dismissed as ‘encounter killings’ or ‘crossfire killings.’ Bodies recovered from open spaces, fields, etc. of persons earlier claimed to have been picked up by police or RAB personnel, frequently bear marks of torture and abuse, including extensive bruising, loss of nails, wounds and broken bones.⁵⁰

2.7.25 REDRESS concluded:

‘Torture remains endemic in Bangladesh. Throughout the public sector, there is a lack of basic resources, including a lack of infrastructure, personnel, training and proper investigative equipment, which contributes to the use of torture as an “effective” and accepted tool for criminal investigation.’

‘In addition, there is a fundamental lack of separation of powers and political interference from the executive has led to politically motivated decisions and lack of accountability for human rights violations, including the lack of disciplinary action against law enforcement personnel alleged to be responsible for torture. Officials benefit from immunities provided for in several laws and there is no functioning, independent system dealing with complaints of torture committed by law enforcement officials. As a result, the prospect of successful prosecutions in relation to allegations of torture or

⁴⁹ Odhikar, Human Rights Report 2013, 15 April 2014, paragraph 219, <http://odhikar.org/human-rights-report-2013-odhikar-report-on-bangladesh/>, date accessed 9 October 2014

⁵⁰ REDRESS, Torture in Asia: The law and practice, October 2013, ISSN 1811 7023, page 35-36, available at: <http://www.refworld.org/docid/52fa25204.html>, date accessed 13 October 2014

related violations is remote.’⁵¹

See also [Corruption](#)

[Back to Contents](#)

2.8 Rule of law and the judiciary

- 2.8.1 Article 35(3) of the Constitution states ‘Every person accused of a criminal offence shall have the right to a speedy and public trial by an independent and impartial court or tribunal established by law.’ Article 27 provides: ‘All citizens are equal before the law and are entitled to equal protection of law.’⁵²

Organisation

- 2.8.2 ‘A Research Guide to the Legal System of the Peoples’ Republic of Bangladesh’, published April 2013, by Md. Ershadul Karim, a non-practicing lawyer of the Bangladesh Supreme Court, stated:

‘The Judiciary of Bangladesh consists of a Supreme Court, Subordinate Courts and Tribunals established under the provisions of different statutes. The Supreme Court of Bangladesh is comprised of the Appellate Division and the High Court Division. It is the apex Court of the country; other Courts and Tribunals are subordinate to it. The Supreme Court has the jurisdiction to interpret the Constitution and other laws of the land and it is the guardian of the Constitution. The Constitution provides for detailed provisions as to appointment, tenure, powers and functions of the judges of the Supreme Court... The Appellate Division, the highest Court of Appeal, has jurisdiction to hear and determine appeals from judgments, decrees, orders or sentences of the High Court Division, review its own judgments and orders... The High Court Division has both appellate as well as original jurisdiction. It hears appeals from orders, decrees, and judgments of subordinate Courts and Tribunals.’⁵³

- 2.8.3 The same source added:

‘There are a wide variety of subordinate Courts and tribunals. Such Courts and tribunals are created by statutes. Their powers, functions and jurisdictions are also determined by their respective statutes. These are the basic Courts in the system of the judiciary of Bangladesh. The major bulk of the cases, both Civil and Criminal, are tried and heard in such Courts and tribunals. Apart from these civil and criminal courts, there are also administrative tribunals. The subordinate Courts in Bangladesh can be divided into two broad classes, namely: Civil Courts and Criminal Courts.’⁵⁴

[Back to Contents](#)

⁵¹ REDRESS, Torture in Asia: The law and practice, October 2013, ISSN 1811 7023, page 49, available at: <http://www.refworld.org/docid/52fa25204.html>, date accessed 13 October 2014

⁵² The Constitution of the People’s Republic of Bangladesh, 4 November 1972, http://bdlaws.minlaw.gov.bd/pdf_part.php?id=367, date accessed 7 October 2014

⁵³ Md. Ershadul Karim, UPDATE: A Research Guide to the Legal System of the Peoples’ Republic of Bangladeshy, April 2013, Section 10, available at <http://www.nyulawglobal.org/globalex/Bangladesh1.htm#X>, date accessed 10 October 2014

⁵⁴ Md. Ershadul Karim UPDATE: A Research Guide to the Legal System of the Peoples’ Republic of Bangladesh, , April 2013, Section 10, available at <http://www.nyulawglobal.org/globalex/Bangladesh1.htm#X>, date accessed 10 October 2014

Informal justice systems

Village courts and Salish

2.8.4 The United Nations Development Programme (UNDP) reported ‘Village Courts, an initiative adopted by the Bangladesh government with support from the United Nations Development Programme and funding from the EU [European Union], have reduced the time, expenses and hassle that plaintiffs often associate with the conventional courts system.’ The UNDP added:

- ‘Since 2010, more than 32,000 cases have been reported to village courts across Bangladesh. Almost 25,000 cases have been resolved.
- Nearly 70 percent of village court beneficiaries – both petitioners and respondents – expressed satisfaction with their experience.
- An average of 28 days is required for the resolution of a case, whereas in the traditional courts system the same case can take more than a decade to reach resolution.’⁵⁵

2.8.5 The Activating Village Courts in Bangladesh Project aims at ‘strengthening a system of alternative dispute resolution in 350 Union Parishads (UP) through the establishment of village courts. It intends to improve access to justice for disadvantaged and marginalized groups and enhance human rights systems and processes in Bangladesh.’⁵⁶

2.8.6 The UNDP reported that parliament had ‘passed The Village Court (Amendment) Bill, 2013 on 18 September 2013 with a provision to incorporate several new clauses into the existing Village Court Act, 2006 for the smooth carrying out of judicial activities at the village level. This represents a major achievement and presents itself as a key tangible result of the Village Courts project.’ The report added ‘Another aspect of the amended Act is gender sensitivity and women’s empowerment, through mandatory women representation in the village court panel thus ensuring that the voice of female victims are heard during case hearings... the bill incorporated rules aimed at stopping the trend of filing false cases with the village court. It also recommended a fine of Taka 5,000 in case of filing false charges.’⁵⁷

2.8.7 The UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to Bangladesh (20–29 May 2013) , stated:

‘The coexistence of multiple legal orders... impacts on women’s access to justice and due process. Traditional customary practices and forums of arbitration and sentencing (salish) prevail in rural areas as an alternative to the courts which are seen as highly bureaucratic, overburdened with a huge backlog of pending cases and costly. The imposition of punishments through the salish system is often public, arbitrary and humiliating for the victims.

‘Given the existing challenges of inaccessibility, cost and length of court procedures, many victims and their families have opted for alternative dispute resolution (ADR). Some civil society organizations have provided valuable support by offering mediation services, particularly to rural women who are unlikely to find justice through the criminal

⁵⁵ United Nations Development Programme, Through village courts, justice for all in Bangladesh, undated, <http://www.undp.org/content/undp/en/home/ourwork/democraticgovernance/successstories/through-village-courts--justice-for-all-in-bangladesh.html>, date accessed 10 October 2014

⁵⁶ Activating Village Courts in Bangladesh Project, Project information, Objectives, undated, http://www.villagecourts.org/about_project.php, date accessed 10 October 2014

⁵⁷ UNDP, A major victory for village courts, 18 September 2013, <http://www.bd.undp.org/content/bangladesh/en/home/presscenter/articles/2013/09/18/a-major-victory-for-village-courts/>, date accessed 10 October 2014

justice system or the local salish system. While some of these NGOs strive to ensure that ADR allows women's voices to be adequately heard and their rights to upheld, this cannot be guaranteed in all cases, given the prevailing patriarchal and male-biased context, as well as the lack of sufficient gender-sensitive mediators/facilitators. Furthermore, it has been noted that ADR cannot help diminish domestic violence or demands for dowry, or stop perpetrators from threatening women.'⁵⁸

2.8.8 Reporting on violence against women the Special Rapporteur further noted that:

'Many women seek redress through the traditional justice system, also known as the salish system. This may result in double victimization for them, as often they obtain little or no remedy for violations. In addition, they may be subjected to beating, whipping and stoning following fatwa rulings that are commonly used to subordinate women by punishing behaviour that is deemed inappropriate or immoral. Such punishments have reportedly led many women to commit suicide.'⁵⁹

[Back to Contents](#)

Independence

2.8.9 The U.S. Department of State reported that:

'The law provides for an independent judiciary; however, a provision of the constitution that accords the executive branch authority over judicial appointments of lower courts and compensation for judicial officials could undermine full judicial independence. Corruption and a substantial backlog of cases hindered the court system, and extended continuances effectively prevented many defendants from obtaining fair trials due to witness tampering, victim intimidation, and missing evidence. Human rights observers stated that magistrates, attorneys, and court officials demanded bribes from defendants in many cases filed during the year.'⁶⁰

2.8.10 Freedom House noted in its Freedom in the World 2014 report, covering 2013 events, that 'Politicization of the judiciary remains an issue, despite a 1999 Supreme Court directive ordering the separation of the judiciary from the executive. Political authorities have continued to make appointments to the higher judiciary, in some cases demonstrating an overt political bias, leading to protests from the Supreme Court Bar Association. Harassment of witnesses and the dismissal of cases following political pressure are also growing issues of concern. The court system is prone to corruption and severely backlogged with an estimated two million pending cases.'⁶¹

[Back to Contents](#)

Fair trial

2.8.11 According to the US Department of State Report 2013:

'The law provides for the right to a fair trial, but the judiciary did not always protect this right due to corruption and weak human and institutional capacities. Judges received a

⁵⁸ UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo Addendum : Mission to Bangladesh (20–29 May 2013) , 1 April 2014, A/HRC/26/38/Add.2, paragraph 75-76, available at: <http://www.refworld.org/docid/539831154.html>, date accessed 9 October 2014

⁵⁹ UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo Addendum : Mission to Bangladesh (20–29 May 2013) , 1 April 2014, A/HRC/26/38/Add.2, paragraph 15, available at: <http://www.refworld.org/docid/539831154.html>, date accessed 24 October 2014

⁶⁰ US Department of State, Country Report on Human Rights Practices 2013, Bangladesh, 27 February 2014, section 1e, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220388>, date accessed 6 October 2014

⁶¹ Freedom House, Freedom in the World 2014 - Bangladesh, 8 September 2014, available at: <http://www.refworld.org/docid/5417f39714.html>, date accessed 10 October 2014

salary increase on June 2, with base pay set from 29,200 taka (\$365) to 39,600 taka (\$495) per month, depending on qualifications. Prosecutors' low monthly retainer of 3,000 taka (\$37.50) plus 200 taka (\$2.50) per hour in court meant some were willing to accept bribes to influence the outcome of a case. Defendants are presumed innocent and have the rights to appeal and see the government's evidence. Defendants have the right to be informed promptly and in detail of the charges against them. The Speedy Trial Act prevented undue delay of proceedings for certain offenses, such as murder, sexual assault, and robbery. Judges rather than juries decide cases, and trials are public. Indigent defendants have the right to a public defender. Defendants also have adequate time to prepare a defense; adjournments are one factor that contributed to the backlog of cases. Accused persons have the rights to be represented by counsel, review accusatory material, call and question witnesses, and appeal verdicts. The government, however, frequently did not respect these rights.⁶²

2.8.12 Odhikar noted in its Annual Human Rights Report 2013 that 'the lack of resources, the low salaries of judges and the poor working conditions are weakening the administration of justice in Bangladesh and remain the main reasons for corruption in the lower Judiciary.'⁶³ Transparency International Bangladesh reported in its National Household Survey 2012, dated December 2012, that, of the households surveyed who received judiciary related services, 57.1 per cent were victims of corruption in some form. The rate is higher in rural areas (66.1%) compared to urban areas (33.9%). Furthermore, 60.6% of the households who sought judicial services from Judge Courts, 51.1% of the households who sought judicial services from Magistrate Courts, 49.8% of the households who sought judicial services from Special Courts & Tribunals were victims of various forms of corruption and harassment. Of those who were victims of corruption, 68 per cent had to pay a bribe.⁶⁴

2.8.13 Landinfo, the Norwegian Country of Origin Information Centre, reported on 4 July 2013, that:

'The judiciary is subject to bribery and political pressure, especially at lower levels. In addition there is a substantial backlog of cases, delays and a lack of judges. The accused often spend long time in pre-trial detention, but only small numbers are actually sentenced in court. For those that can apply economic or political pressure, it is widespread that charges against them are withdrawn.

'Access to justice in Bangladesh will largely depend on the individual's economic and political power and influence. To a certain extent it will also be dependant on how "powerful" the opponent is.'⁶⁵

2.8.14 In a June 2014 submission to the UN Human Rights Council the Asian Legal Resource Centre reported that:

'The Magistracy and Sessions Courts have been endorsing torture by granting 'police remand' en mass. On one hand, the Bangladesh Police has a reputation for fabricating charges against innocent poor people and pro-opposition supporters; they fabricate cases for extortion and to serve political masters. On the other hand, criminal

⁶² US Department of State,, Country Report on Human Rights Practices 2013, Bangladesh, 27 February 2014, section 1e, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dld=220388>, date accessed 6 October 2014

⁶³ Odhikar, Human Rights Report 2013, 15 April 2014, paragraph 353, <http://odhikar.org/human-rights-report-2013-odhikar-report-on-bangladesh/>, date accessed 9 October 2014

⁶⁴ Transparency International Bangladesh, National Household Survey 2012, December 2012, page 19, <http://www.ti-bangladesh.org/files/HHSurvey-ExecSum-Eng-fin.pdf>, date accessed 8 October 2014

⁶⁵ Landinfo – Norwegian Country of Origin Information Centre, Report on police and justice (corruption; false documents; working conditions; political pressure and abuse of power; reporting of criminal offences; arrests and detention; use of violence; false accusations; trials in absentia), 4 July 2014, page 3, available at http://www.ecoi.net/file_upload/1226_1383830136_2449-1.pdf, date accessed 13 October 2014

investigation is synonymous with remand and torture in Bangladesh. The poor people falsely implicated in criminal cases on the basis of fabrications are unable to afford to challenge the decisions of the Magistrate's Courts beyond the Sessions Court, which itself often denies remedies to victims regarding unjustified police remand. The rights to liberty and personal freedom of the poor victims of fabricated charges are systematically denied in Bangladesh throughout the criminal justice institutional process.' ⁶⁶

- 2.8.15 The April 2014 Report of the Special Rapporteur on violence against women, its causes and consequences noted that:

'The right of access to justice and justice itself is problematic on many levels. The judicial system is faced with many challenges that have a negative impact on ensuring equal access to justice. Limited resources, poor infrastructure and the limited number of trained judges and lawyers, among others, have had a negative effect on women's capacity to seek redress through the judicial system. Despite constitutional guarantees with regard to due process, the Special Rapporteur was informed that law enforcement agencies often fail to uphold the relevant legal standards when dealing with cases of violence against women. The existence of parallel legal systems such as the *salish* further compounds the denial of effective justice.' ⁶⁷

- 2.8.16 Odhikar noted in its annual report covering 2013 that:

'In the present, class based society of Bangladesh, women who come from the impoverished sections of the society are the poorest of the poor and thus become further victimised in various ways. There are also allegations of corruption in the lower judiciary and police administration. There is no victim and witness protection law in Bangladesh. Victim women and their families are regularly intimidated by the perpetrators and they live under constant risk of becoming victimised again. Social awareness mechanisms to curb violence against women are not effective in Bangladesh due to the patriarchal system and lack of effective implementation of the laws.' ⁶⁸

See [Corruption](#)

Juvenile justice

- 2.8.17 In a compilation of reports prepared by the UN Human Rights Council it was noted 'UNICEF noted positively the establishment of a juvenile court/ bench in all districts and national and municipal task forces to ensure that children are not sent to adult prisons and that those already held are released.' ⁶⁹ The Children's Act 2013 became effective

⁶⁶ Asian Legal Resource Centre, Written statement submitted by the Asian legal Resource Centre, a non-governmental organization in general consultative status, 6 June 2014, paragraphs 8 and 17, http://www.ecoi.net/file_upload/1930_1403690165_g1404487.pdf date accessed 24 October 2014

⁶⁷ UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo Addendum : Mission to Bangladesh (20–29 May 2013) , 1 April 2014, A/HRC/26/38/Add.2, paragraph 32, available at: <http://www.refworld.org/docid/539831154.html>, date accessed 24 October 2014

⁶⁸ Odhikar, Human Rights Report 2013, 15 April 2014, Chapter IX: Violence against women paragraph 324, <http://odhikar.org/human-rights-report-2013-odhikar-report-on-bangladesh/>, date accessed 24 October 2014

⁶⁹ UN Human Rights Council, Compilation : [Universal Periodic Review] : Bangladesh / prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, 8 February 2013, A/HRC/WG.6/16/BGD/2, paragraph 37 available at: <http://www.refworld.org/docid/51e7cea24.html>, date accessed 13 October 2014

on 21 August 2013.⁷⁰ The Supreme Court provided a brief commentary on the Act, and its new provisions.⁷¹

- 2.8.18 The U.S. Department of State report covering 2013 noted that ‘While the law requires holding juveniles separately from adults, many juveniles were incarcerated with adults.’⁷²

[Back to Contents](#)

2.9 Corruption

- 2.9.1 In its 2013 Corruption Perceptions Index (CPI), published 5 December 2012, Transparency International ranked Bangladesh 136 in the world corruption ranking, out of 175 countries (compared to 144 out of 174 countries in 2012⁷³), giving it a CPI score of 27.⁷⁴ (The CPI ranks countries and territories based on how corrupt their public sector is perceived to be. A country or territory’s score indicates the perceived level of public sector corruption on a scale of 0 - 100, where 0 means that a country is perceived as highly corrupt and 100 means it is perceived as very clean).
- 2.9.2 The US Department of State’s Country Report on Human Rights 2013 noted that, although the law provides for criminal penalties for official corruption in Bangladesh, it was not implemented effectively, and officials frequently engaged in corrupt practices with impunity. The report stated that ‘pervasive official corruption remained serious problems’ throughout 2013. The report added that ‘The government took steps to address widespread police corruption. The inspector general of police continued to train police to address corruption and create a more responsive police force. No assessment of the training’s effect on corruption within the police force was available.’⁷⁵
- 2.9.3 In addition:
- ‘The ACC [Anti-Corruption Commission] is the government agency charged with fighting corruption. According to a 2010 World Bank report, the government undermined the ACC’s work and hampered the prosecution of corruption. The report stated that the government filed far fewer corruption cases than the previous caretaker government and that a government commission recommended that the ACC drop thousands of corruption cases. Some in civil society stated that the government was not serious about fighting corruption and that the government used the ACC for politically motivated prosecutions. Transparency International Bangladesh asserted that political interference in the ACC’s operations had rendered it a “toothless tiger.” A November 10 [2013] amendment to the ACC Law removed the ACC’s authority to sue public servants without prior government permission. Additionally, ACC inquiry officers may be sued and face two to five years in jail if they fail to prove their graft charges in court [...] The government subjected the judiciary to political pressure, and cases involving opposition leaders often proceeded in an irregular fashion. Corruption remained a serious problem

⁷⁰ UNICEF, Bangladesh Country Factsheet, Child Protection Section, September 2013, Factsheet, http://www.unicef.org/bangladesh/Justice_for_children-web.pdf, date accessed 28 November 2014

⁷¹ Supreme Court <http://www.supremecourt.gov.bd/web/>, Justice for Children in Bangladesh, The Children Act 2013 – Brief Commentary, undated, http://www.supremecourt.gov.bd/web/contents/Children_Act_2013-Brief_Commentary_v4.pdf, date accessed 28 November 2014

⁷² US Department of State, Country Report on Human Rights Practices 2013, Bangladesh, 27 February 2014, section 1c, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220388>, date accessed 24 October 2014

⁷³ Transparency International, Corruption Perception Index (CPI) 2012, 5 December 2012, <http://www.transparency.org/cpi2013/results>, date accessed 9 October 2014

⁷⁴ Transparency International, CPI 2013, 3 December 2013, <http://www.transparency.org/cpi2013/results>, date accessed 9 October 2014

⁷⁵ US Department of State, Country Report on Human Rights Practices 2013, Bangladesh, 27 February 2014, section 4, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220388>, date accessed 6 October 2014

within the judiciary and was a factor in lengthy delays of trials, which were subjected to witness tampering and intimidation of victims. Several reports by human rights groups and corruption watchdog groups indicated growing public dissatisfaction with the perceived politicization of the judiciary.’⁷⁶

- 2.9.4 The UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to Bangladesh (20–29 May 2013) , stated:

‘Corruption was also identified as one of the main obstacles to women’s access to justice, as bribes and/or influence are often required for cases to move through the different stages of the criminal justice system. Victims and their families often have to pay bribes or use political connections to register a complaint before the police and to have investigations conducted. It is not uncommon for perpetrators to have more connections, power or resources than victims, which are deployed to influence the police, stall investigations or harass and pressure victims to drop charges.’⁷⁷

- 2.9.5 Human Rights Watch’s deputy Asia director, Phil Robertson, stated in July 2014 that ‘Corruption is flourishing in the government and the private sector.’⁷⁸ In July 2014, Odhikar, a human rights defenders organisation in Bangladesh, stated that between January and June 2014 ‘a significant number of women were the victims of rape, dowry related violence, acid attacks and sexual harassment’ who were victimised amongst others because of the ‘corruption and criminalisation of the members of law enforcement agencies.’⁷⁹

- 2.9.6 The Asian Human Rights Commission notes that:

‘In Bangladesh’s criminal justice system, practically every step requires bribery and persuasion by influential persons from the ruling political parties. For example, in order to register a complaint regarding violence against women and or any criminal offence, one has to go the relevant police station first. Police stations are considered one of the most unsafe places for female victims to approach as the police also rape, sexually abuse or harass the victims in their custody. Moreover, at the very beginning, the complainants have to pay bribes to the police officers to register the complaint, along with using their political connections to pressure the police and other professionals involved in the process. Often, the perpetrators become very influential due to their capacity to pay a higher amount of bribes to the police and manage to ensure backings from the ruling political parties. As a result, the victims and/or their relatives fear to file any complaints. The police protect the perpetrators, receiving bribes and/or following political persuasions.’⁸⁰

- 2.9.7 In its annual report covering 2013, Odhikar noted that ‘the high level of corruption that prevails in police stations is also a catalyst for torture in Bangladesh’ and further states that ‘there are also allegations of corruption in the lower judiciary and police

⁷⁶ US Department of State, Country Report on Human Rights Practices for 2013, Bangladesh, 27 February 2014, section 4, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220388>, date accessed 6 October 2014

⁷⁷ UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo Addendum : Mission to Bangladesh (20–29 May 2013) , 1 April 2014, A/HRC/26/38/Add.2, paragraph 72, available at: <http://www.refworld.org/docid/539831154.html>, date accessed 9 October 2014

⁷⁸ Human Rights Watch, Withdraw Restrictive Draft Law on NGOs: Donors should publicly express concerns, 6 July 2014, <http://www.hrw.org/news/2014/07/05/bangladesh-withdraw-restrictive-draft-law-ngos> date accessed 24 October 2014

⁷⁹ Odhikar, Six-Months Human Rights Monitoring Report, 1 July 2014, paragraph 115, http://www.omct.org/files/2014/07/22773/hr_report_jan_june_2014_en.pdf

⁸⁰ Asian Human Rights Commission, Collapsed criminal justice system compounds violence against women, 21 May 2013, <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-095-2013> date accessed 24 October 2014

administration.’⁸¹ The report further noted that ‘Experts claim that the chain of bribery and collusion between different levels of officers exists within the police administration, with the benefits of corruption being shared among different levels’ claiming that ‘The political regimes and the institutions such as the Anti-Corruption Commission, which is obliged to curb corruption, constantly keep their eyes averted so that the rampant corruption can serve their mutual purposes. Subsequently, the chain of command is systematically replaced by a “chain of corruption” within the law-enforcement agencies.’⁸²

Actors of protection: [Effectiveness](#) and [Human rights violations and impunity](#), [Rule of law and the judiciary](#) and [Forged and fraudulently obtained documents](#)

[Back to Contents](#)

2.10 Citizenship and nationality

2.10.1 The [Bangladesh Citizenship \(Temporary Provisions\) Order 1972](#) introduced the citizenship laws after the country’s independence. Article 2 of the Order stipulates that anyone who was born in the territories now comprised in Bangladesh (or whose father or grandfather was born in these territories) and who was a permanent resident in these territories on 25 March 1971 and continues to be so resident, will be deemed to be a Bangladeshi citizen. Article 2A provides that a person to whom the above article would have applied, but who is resident in the United Kingdom, shall be deemed to have continued to have been permanently resident in Bangladesh. The Government may notify, in the official Gazette, any person or categories of persons to whom this Article shall not apply. In case of doubt as to whether a person is qualified to be deemed a citizen of Bangladesh under Article 2 of the Order, a decision of the Government will be final.⁸³

[Back to Contents](#)

2.11 Forged and fraudulently obtained documents

2.11.1 The Immigration and Refugee Board of Canada, Bangladesh in a report, Reports of fraudulent documents, 20 September 2010, stated that:

‘In 7 September 2010 correspondence with the Research Directorate, an official at the High Commission of Canada to Bangladesh stated that “There is a significant prevalence of fraudulent documents [in Bangladesh] including passports, birth certificates, bank statements, taxation documents, business documents, school documents, marriage certificates. If we ask for it, it can be produced.” The Canadian Official added that “[t]here is no difficulty at all for anyone to obtain these documents. Quality varies with prices paid”.’⁸⁴

2.11.2 The IRB report based on a 2007 Asian Development Bank study continued:

‘In Bangladesh, those seeking to have false identity documents commonly avail [themselves] of the services of middle persons, or dalal. According to a dalal who was

⁸¹ Odhikar, Human Rights Report 2013: Odhikar Report on Bangladesh, 15 April 2014, Chapter VI: Torture and other cruel, inhuman or degrading treatment or punishment paragraph 250 and Chapter IX: Violence against women paragraph 324, http://www.fidh.org/IMG/pdf/odhikar_ahrr_2013.pdf date accessed 24 October 2014

⁸² Odhikar, Human Rights Report 2013: Odhikar Report on Bangladesh, 15 April 2014, Chapter X: Performance of National Institutions paragraphs 360 and 361 http://www.fidh.org/IMG/pdf/odhikar_ahrr_2013.pdf date accessed 24 October 2014

⁸³ Legislative and Parliamentary Affairs Division, Ministry of Law, Justice and Parliamentary ‘The Bangladesh Citizenship (Temporary Provisions) Order, 1972’, Articles 2., 2A and 2B, http://bdlaws.minlaw.gov.bd/pdf_part.php?id=423, date accessed 10 October 2014

⁸⁴ Immigration and Refugee Board of Canada, Bangladesh: Reports of fraudulent documents, 20 September 2010, BGD103532.E, available at: <http://www.refworld.org/docid/4dd113f92.html> date accessed 13 October 2014

interviewed, an efficient system has developed where applicants pay an additional fee to avoid the hassle of going through the official procedures, particularly for procuring passports. The dalal pays the relevant issuing officer, who in turn pays the special branch of the police for the required verification. Such verification is generally issued regardless of whether the information provided is correct or not.'

An official at the High Commission of Canada to Bangladesh further noted that '...primary source documents are not even required for a Bangladeshi passport as births are not generally recorded at the time of birth. One only needs to make a self declaration as to one's name and date of birth and you get your passport in that name and date of birth.'⁸⁵

- 2.11.3 The Bangladesh Chronicle reported in April 2014 that 'Amid increase in submission of fraudulent documents, the US Embassy in Dhaka on Sunday advised Bangladeshi applicants to apply directly for a visa with genuine documents to avert permanent ban from entry into the United States [...] it has seen a recent increase in applicants using the services of unscrupulous brokers who provide their clients with fraudulent documents.'⁸⁶

[Back to Contents](#)

⁸⁵ Immigration and Refugee Board of Canada, Bangladesh: Reports of fraudulent documents, 20 September 2010, BGD103532.E, available at: <http://www.refworld.org/docid/4dd113f92.html> date accessed 13 October 2014

⁸⁶ The Bangladesh Chronicle, US Embassy goes tough against visa fraud; 5 held, 6 April 2014, <http://www.bangladeshchronicle.net/index.php/2014/04/us-embassy-goes-tough-against-visa-fraud-5-held/> date accessed 24 October 2014

Annex A: Map of Bangladesh

Map of Bangladesh, dated 2004, edited by CPIT to show Sylhet and Rangpur Divisions.⁸⁷



[Back to Contents](#)

⁸⁷ United Nations Cartographic Section: Bangladesh, Map No. 3711 Rev. 2 United Nations, January 2004.
<http://www.un.org/Depts/Cartographic/map/profile/banglade.pdf>, date accessed 13 October 2014

Annex B: Caselaw

The Country Guidance case SA (Divorced woman – illegitimate child) Bangladesh CG [2011] UKUT 00254(IAC), 13 July 2011, stated:

‘(1) There is a high level of domestic violence in Bangladesh. Despite the efforts of the government to improve the situation, due to the disinclination of the police to act upon complaints, women subjected to domestic violence may not be able to obtain an effective measure of state protection by reason of the fact that they are women and may be able to show a risk of serious harm for a Refugee Convention reason. Each case, however, must be determined on its own facts.

‘(2) Under Muslim law, as applicable in Bangladesh, the mother, or in her absence her own family members, has the right to custody of an illegitimate child.

‘(3) In custody and contact disputes the decisions of the superior courts in Bangladesh indicate a fairly consistent trend to invoke the principle of the welfare of the child as an overriding factor, permitting departure from the applicable personal law but a mother may be disqualified from custody or contact by established allegations of immorality.

‘(4) The mother of an illegitimate child may face social prejudice and discrimination if her circumstances and the fact of her having had an illegitimate child become known but she is not likely to be at a real risk of serious harm in urban centres by reason of that fact alone.

‘(5) The divorced mother of an illegitimate child without family support on return to Bangladesh would be likely to have to endure a significant degree of hardship but she may well be able to obtain employment in the garment trade and obtain some sort of accommodation, albeit of a low standard. Some degree of rudimentary state aid would be available to her and she would be able to enrol her child in a state school. If in need of urgent assistance she would be able to seek temporary accommodation in a woman’s shelter. The conditions which she would have to endure in re-establishing herself in Bangladesh would not as a general matter amount to persecution or a breach of her rights under article 3 of the ECHR. Each case, however, must be decided its own facts having regard to the particular circumstances and disabilities, if any, of the woman and the child concerned. Of course if such a woman were fleeing persecution in her own home area the test for internal relocation would be that of undue harshness and not a breach of her article 3 rights.’⁸⁸

[Back to Contents](#)

⁸⁸ SA (Divorced woman – illegitimate child) Bangladesh CG [2011] UKUT 00254(IAC), 13 July 2011, http://www.bailii.org/uk/cases/UKUT/IAC/2011/00254_ukut_iac_2011_sa_bangladesh_cg.html, date accessed 26 November 2014

Change Record

Version	Date	Change References
1.0	28/11/2014	First version of updated template.

[Back to Contents](#)