



Australian Government
Department of Foreign Affairs and Trade



DFAT COUNTRY INFORMATION REPORT BANGLADESH

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ACRONYMS

AL	Awami League
ASK	Ain o Salish Kendra (Human Rights NGO)
BCL	Bangladesh Chhatra League (the Awami League's student wing)
BNP	Bangladesh National Party
BRIS	Birth Registration Information System
BTRC	Bangladesh Telecommunication Regulatory Commission
CHT	Chittagong Hill Tracts
CSO	Civil Society Organisation
HRW	Human Rights Watch
ICT Act	Information and Communication Technology Act
ICT	International Crimes Tribunal
JI	Jamaat-e-Islami
LGBTI	Lesbian, gay, bisexual, transgender, intersex
NHRC	National Human Rights Commission
NIC	National Identity Card
PMV	Politically motivated violence
RAB	Rapid Action Battalion

GLOSSARY

<i>Hijras</i>	Male to female transgender individuals
<i>Madrassas</i>	Islamic schools
<i>Sharia</i>	Islamic law

Terms used in this report

high risk	DFAT is aware of a strong pattern of incidents
moderate risk	DFAT is aware of sufficient incidents to suggest a pattern of behaviour
low risk	DFAT is aware of incidents but has insufficient evidence to conclude they form a pattern

official discrimination

1. legal or regulatory measures applying to a particular group that impede access to state protection or services that are available to other sections of the population (examples might include but are not limited to difficulties in obtaining personal registrations or identity papers, difficulties in having papers recognised, arbitrary arrest and detention)
2. behaviour by state employees towards a particular group that impedes access to state protection or services otherwise available, including by failure to implement legislative or administrative measures

societal discrimination

1. behaviour by members of society (including family members, employers or service providers) that impedes access by a particular group to goods or services normally available to other sections of society (examples could include but are not limited to refusal to rent property, refusal to sell goods or services, or employment discrimination)
2. ostracism or exclusion by members of society (including family, acquaintances, employers, colleagues or service providers)

1. PURPOSE AND SCOPE

1.1 This Country Information Report has been prepared by the Department of Foreign Affairs and Trade (DFAT) for protection status determination purposes only. It provides DFAT's best judgement and assessment at time of writing and is distinct from Australian government policy with respect to Bangladesh.

1.2 The report provides a general, rather than an exhaustive country overview. It has been prepared with regard to the current caseload for decision makers in Australia without reference to individual applications for protection visas. The report does not contain policy guidance for decision makers.

1.3 Ministerial Direction Number 56 of 21 June 2013 under s 499 of the Migration Act 1958 states that:
Where the Department of Foreign Affairs and Trade has prepared a country information assessment expressly for protection status determination processes, and that assessment is available to the decision maker, the decision maker must take into account that assessment, where relevant, in making their decision. The decision maker is not precluded from considering other relevant information about the country.

1.4 This report is informed by DFAT's on-the-ground knowledge and discussions with a range of sources in Bangladesh. It takes into account relevant and credible open source reports, including those produced by US State Department, World Bank, Transparency International, Human Rights Watch, Freedom House, Reporters Without Borders, the Committee to Protect Journalists, UN agencies, and credible news sources. Where DFAT does not refer to a specific source of a report or allegation, this may be to protect the source.

1.5 This updated Country Information Report replaces the previous DFAT Country Information Report on Bangladesh published on 5 July 2016.

2. BACKGROUND INFORMATION

RECENT HISTORY

2.1 The borders of contemporary Bangladesh were established in 1947 when the United Kingdom partitioned the territories of British India into the independent states of India and Pakistan. The latter was itself divided geographically: Muslim majority areas in the west of the subcontinent formed West Pakistan, and Muslim majority areas in the east, primarily in the province of Bengal, formed East Pakistan. The partition of British India resulted in large-scale population movements along religious lines: millions of Hindus migrated to India, while millions of Muslims moved to the new East and West Pakistan.

2.2 The emergence of a nationalist Bengali resistance movement in East Pakistan began shortly after independence when the Pakistani government declared that Urdu would be the sole national language. Although widespread protests led to the granting of official status to the Bengali language in 1956, East Pakistanis continued to resent their cultural and economic domination by the west, particularly as East Pakistan had the larger population.

2.3 Tensions between the two regions came to a head when the incumbent national leadership prevented the East Pakistani Awami League (AL) from forming a government after the AL won a majority of seats in the 1970 national elections. The decision sparked mass civil disobedience and demands for independence in East Pakistan, a crackdown by the West Pakistan-led military, and civil war. After nine months of conflict, and Indian military assistance in the final weeks, the Bengali resistance movement secured victory on 16 December 1971 over the Pakistani military and its local allies, most notably the Jamaat-e-Islami (JI). Official Bangladeshi sources claim that as many as three million people died during the 'Liberation War', although independent sources estimate the death toll between 300,000 and 1.2 million.

2.4 Bangladesh has experienced significant political, social and economic change since independence. A succession of military *coups d'état* led to military rule for much of the 1970s and 1980s. Subsequently, a series of popular mass democratic movements established in 1991 a system of parliamentary democracy. The country's economy has grown steadily since the 1990s, lifting large numbers of Bangladeshis out of poverty.

2.5 Bangladesh continues to face numerous challenges. Intense rivalry between its two major political parties, an escalation in tensions between Islamists and secularists, and increasingly politicised national institutions have all challenged its progress as a democratic nation. This has contributed to significant levels of politically motivated violence, and a rise in militant activities targeting religious minorities and secularists. Observers expect national elections to occur in late 2018 or early 2019.

DEMOGRAPHY

2.6 According to World Bank estimates, Bangladesh has a population of 161 million, with an annual growth rate of 1.2 per cent. Bangladesh is one of the most densely populated countries in the world, with a population density of 1,236.8 people per square kilometre. Approximately two-thirds of Bangladeshis live in

rural areas, particularly on the flood-prone delta areas of large rivers flowing from the Himalayas. Dhaka is the capital and largest city, with an estimated population of 17.6 million.

2.7 Bangladesh is a highly homogenous society: 98 per cent of the population is ethnically and linguistically Bengali. The remainder are primarily indigenous (or 'tribal') peoples from approximately 54 different ethnic groups who mostly reside in northern Bangladesh or in the Chittagong Hill Tracts (CHT) in the southeast.

ECONOMIC OVERVIEW

2.8 The World Bank classifies Bangladesh as a lower middle-income country. Bangladesh ranked 139th out of 188 countries on the 2016 UN Human Development Index. Bangladesh's economy has grown continuously at an annual rate of five to six per cent since the mid-1990s, accelerating to 7.1 per cent in 2016. The economy withstood the Global Financial Crisis with minimal ill effects, and economists forecast continuing strong growth in the medium term.

2.9 The majority of labour force participants are engaged in informal and low-income work across various sectors – just 22 per cent of the labour force is engaged in formal work. Although the services sector generates more than half of Bangladesh's GDP, almost half of all working Bangladeshis are employed in agriculture, with rice the most important product. Garment exports accounted for more than 80 per cent of total exports in 2016. Remittances from Bangladeshis working overseas, particularly the Middle East, contribute significantly to the country's economy. Bangladesh received USD13.6 billion in remittances in 2016, down from USD15.3 billion the previous year, with the fall attributed primarily to a fall in international oil prices.

2.10 Although large numbers of Bangladeshis remain economically disadvantaged, Bangladesh's sustained economic growth has enabled substantial progress in reducing extreme poverty. The proportion of Bangladeshis surviving on less than US\$1.90 per day fell from 44.2 per cent in 1991 to 18.5 per cent in 2010, representing 20.5 million people. The World Bank reported in October 2016 that the poverty rate in 2015-16 had further decreased to 12.9 per cent.

2.11 Sustained economic growth has increased the demand for energy and transport, and accelerated urbanisation. To sustain its levels of growth, the World Bank recommends that Bangladesh urgently implement structural reforms, expand investments in human capital, increase female labour force participation (43.1 per cent in 2015, compared to 81 per cent for men), and raise productivity through improved global value chain integration. A key priority is the creation of new jobs for the 2.1 million young Bangladeshis who enter the job market annually.

2.12 Bangladesh also faces significant economic challenges resulting from natural disasters, exacerbated by the effects of climate change. The country's geographical location, land characteristics, multiplicity of rivers and monsoon climate render it highly vulnerable to natural hazards, including floods, cyclones, storm surge, riverbank erosion, earthquake, drought, salinity intrusion, fire and tsunami. The World Resources Institute estimates that 4.75 per cent of the country's GDP (USD5.4 billion) is affected by river flooding in an average year. Particularly severe flooding in August 2017 submerged almost a third of the country, destroying more than 730,000 homes and damaging more than 1.6 million acres of crops.

2.13 DFAT assesses that continuing economic challenges, including low income levels and poor economic opportunities, act as 'push factors' for emigration from Bangladesh.

Health

2.14 Some health outcomes in Bangladesh have improved significantly over the past decade: life expectancy has increased from 68 in 2005 to 72 in 2015; infant mortality has declined from 48 per 1000 births to 24 between 2006 and 2015; and mortality rates for children under the age of five fell from 63 per 1000 births to 38 over the same period. Notwithstanding these improvements, Bangladesh's malnutrition rates remain among the highest in the world: 50 per cent of women are considered to be at nutritional risk, and approximately one-third of Bangladeshi children under the age of five are underweight. The standard of health care in both public and private institutions is low by international standards. Households finance most of their own medical expenses.

2.15 Despite considerable needs, there are few support services available for those suffering from mental health disorders and no specific mental health authority in Bangladesh. Considerable social stigma attaches to reporting mental illness. Drug addiction is an increasing social problem, with most Bangladeshi drug users inhaling or snorting 'yaba' (a synthetic combination of methamphetamine and caffeine). The Department of Narcotic Control estimated in 2014 that almost 90 per cent of drug users were aged below 40. A 2017 CNN report on drug use in Bangladesh stated that there were five government-run drug treatment and rehabilitation centres and 68 private institutions nationwide.

Education

2.16 The Constitution provides for free and universal primary education, which is compulsory under the *Primary Education (Compulsory) Act* (1990). Most Bangladeshi children complete a full course of primary education, and Bangladesh has largely achieved gender parity in primary and secondary school enrolment. The quality of education, however, is poor – the World Economic Forum's Global Competitive Index for 2016-17 ranked Bangladesh 109th out of 138 countries for the quality of its primary education, and 84th for the quality of the education system overall.

2.17 According to UNICEF, challenges to Bangladesh's education system relate to absenteeism (particularly for boys), a focus on rote learning, overcrowding in schools, and a lack of qualified teachers. While the government has made significant progress in increasing primary school-age enrolment, access to education remains a challenge for vulnerable groups such as working children, disabled children, indigenous children, and those in remote areas or living in extreme poverty.

Corruption

2.18 Bangladesh is a State Party to the *UN Convention Against Corruption* (2005). The Code of Criminal Procedure, the *Prevention of Corruption Act* (1947), several articles of the Penal Code, and the *Money Laundering Prevention Act* (2012) all provide a legislative framework for fighting corruption. The Anti-Corruption Commission, established under the *Anti-Corruption Commission Act* (2004), is responsible for investigating allegations of corruption and filing cases, as well as promoting mass awareness of corruption.

2.19 Despite these constitutional protections, all major ranking institutions routinely place Bangladesh among the most corrupt countries in the world – Transparency International, for example, ranked Bangladesh 145th out of 176 countries in its 2016 Corruption Perceptions Index. Corruption is pervasive at all levels of society, and is particularly pervasive in the judicial system, police, and public services. Low salaries for employees in these sectors frequently lead to them demanding facilitation payments to supplement their income. Anti-corruption legislation is inadequately enforced, and prosecutions for corruption are rare.

POLITICAL SYSTEM

2.20 Bangladesh is a parliamentary democracy. The unicameral National Parliament and the largely ceremonial presidency both have five-year terms. Parliament comprises 350 seats, of which 300 are directly elected and 50 are reserved for female members nominated by political parties based on their share of elected seats. The president is elected by a simple parliamentary majority, and can be impeached by a two-thirds majority. A simple majority passes legislation, but constitutional amendments require a two-thirds majority. In practice, Bangladesh has a two-party system in which power alternates between political coalitions led by the AL or the Bangladesh National Party (BNP).

2.21 Bangladesh's political system is characterised by a strong degree of centralised executive control. Article 55 of the Constitution vests all executive authority in the Prime Minister rather than Cabinet. The Prime Minister also relies more on unelected advisers than Ministers or other elected officials. This centralisation of authority in the Prime Minister's office has been a feature of all Bangladeshi governments regardless of party allegiance.

2.22 The Electoral Commission oversees elections. Elections in Bangladesh have not always been free, fair and inclusive, although regular changes of government have conferred some legitimacy on the electoral process. According to the European Union's Election Observation Mission, authorities in the 2014 national election failed to create the necessary conditions for transparent, inclusive and credible elections. The BNP boycotted the election, leading to a landslide victory for the AL, which won 234 seats (153 of which were uncontested). The Jatiya Party took 34 seats and independents 13, while the remaining 19 elected seats were divided between several minor parties. BNP candidates have competed in local government and council elections since December 2015. Most observers expect the party to participate in the next national elections in late 2018 or early 2019.

HUMAN RIGHTS FRAMEWORK

2.23 Bangladesh is party to the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (1984), the *International Covenant on Civil and Political Rights* (1966), the *Convention on the Elimination of All Forms of Racial Discrimination* (1966), the *Convention on the Elimination of All Forms of Discrimination Against Women* (1999), the *Convention on the Rights of the Child* (1989), the *Convention on the Rights of Persons With Disabilities* (2006), and the *International Covenant on Economic, Social and Cultural Rights* (1966).

2.24 Bangladesh's Constitution guarantees fundamental rights for citizens, including equality before the law and the right to the protection of law (Article 27); the rights to life and personal liberty (Article 32); freedom from discrimination based on religion, race, caste, sex or place of birth (Article 28); and the freedoms of religion (Article 41), movement (Article 36), assembly (Article 37), association (Article 38), thought, conscience and speech (Article 39), and profession and occupation (Article 40). The Constitution does not protect against discrimination on political grounds.

2.25 The Law Ministry is currently reviewing an updated draft Elimination of Discrimination Act. The draft Act reportedly seeks to expand the grounds for protection from discrimination, and provides a comprehensive list of discriminatory acts considered as punishable offences. It is unclear when Parliament will consider the draft Act.

National Human Rights Institution

2.26 The *National Human Rights Commission Act* (2009) established Bangladesh's National Human Rights Commission (NHRC), whose primary focus is public education and advocacy. The President appoints NHRC members on the recommendation of a seven-member committee comprising leaders of the ruling party. The Finance Ministry channels funding for the NHRC through the Ministry of Law and Justice. Several other government ministries hold responsibility for protecting human rights in accordance with the Constitution and corresponding legislation.

2.27 The NHRC is responsible for investigating allegations of human rights violations by individuals, public servants, government agencies, institutions and the state. It does not, however, have jurisdiction to investigate complaints against 'disciplinary forces,' including the Bangladesh Police. More than three-quarters of cases referred to the NHRC are against law enforcement officers, and the NHRC must refer these cases to the Ministry for Home Affairs.

2.28 In March 2015, the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights gave the NHRC a 'B Status' rating. This rating indicates that the NHRC is not fully compliant with the Paris Principles relating to the Status of National Institutions as it lacks sufficient autonomy and adequate powers of investigation. DFAT assesses that the NHRC's lack of autonomy and limited enforcement powers inhibit its ability to hold state authorities to account for violating citizens' rights.

SECURITY SITUATION

2.29 The security situation in Bangladesh is volatile and can deteriorate quickly with little warning. Security threats include politically-motivated violence, particularly ahead of the next national elections in late 2018 or early 2019 (see [Politically Motivated Violence \(PMV\)](#)), terrorist attacks committed by Islamist extremist groups, criminal violence, and sporadic clashes in the Chittagong Hill Tracts (CHT) between indigenous groups and Bengali settlers over land ownership and usage (see [Indigenous Peoples – Chittagong Hill Tracts \(CHT\)](#)). Bangladeshi authorities have expressed concern that the large-scale influx into Bangladesh in 2017 of Rohingya from Rakhine State, Myanmar (see [People who identify as Rohingya](#)) may lead to additional security threats in the Cox's Bazar district, including communal violence, people smuggling, drug and human trafficking, and radicalisation.

2.30 Successive Bangladeshi governments have faced the challenge of dealing with extremist Islamist groups, who have frequently resorted to terrorist violence against a wide range of government and civilian targets. Authorities have taken a hard-line approach in responding to these attacks, which has included proscribing key militant groups and arresting hundreds of militants. International and domestic rights groups have reported that security operations against militant groups have resulted in high numbers of extra-judicial killings (see [Extra-Judicial Killings](#)).

2.31 Between January 2013 and mid-2016, domestic militants (including some claiming allegiance with the Islamic State terrorist organisation) conducted a wave of attacks across the country that caused numerous fatalities. These attacks, most of which were small-scale in nature, targeted foreign nationals, religious minorities, and groups perceived to threaten conservative Islamist values, including human rights and LGBTI (lesbian, gay, bisexual, transgender or intersex) activists, writers, bloggers, and publishers, (see relevant sections). The most serious attack was a hostage-taking incident at a restaurant in a wealthy area of Dhaka in July 2016 that resulted in the deaths of two police officers and 20 hostages, most of whom were foreigners. Bangladeshi authorities conducted extensive counter-terrorism operations in response. DFAT assesses that these operations have reduced the capability of militant groups but have not eliminated the risk of further attacks.

3. REFUGEE CONVENTION CLAIMS

RACE/NATIONALITY

3.1 As noted in [Demography](#), approximately 98 per cent of Bangladeshis are ethnically and linguistically Bengali. Article 23 (a) of the Constitution provides for the protection and development of the culture and traditions of ethnic minorities, including indigenous people.

Indigenous Peoples – Chittagong Hill Tracts (CHT)

3.2 At least 27 different indigenous groups live in the Chittagong Hill Tracts (CHT) in the southeast of the country. People in these groups differ from the majority Bengali population in physical appearance (more closely resembling people in Myanmar and northeast India), culture, social organisation and religion. Most are Buddhist, although an increasing number are Christian: others are Muslim, Hindu or animist. These groups have their own languages, although most also speak Bengali.

3.3 A low-level insurgency ran in the CHT from 1977 until 1997, fuelled by local dissatisfaction over marginalisation and displacement resulting from high levels of transmigration by Bengali settlers into the CHT. Local sources allege security forces committed serious human rights abuses during the insurgency, including arbitrary detentions, torture and extrajudicial killings. The insurgency also led to both internal and external displacement, with up to 70,000 indigenous people fleeing across the border to India. The signing of the CHT Peace Accord between the government and tribal representatives in 1997 formally ended the insurgency.

3.4 Under the terms of the CHT Peace Accord, the CHT was to be demilitarised and a Land Commission formed to address land dispute issues. The government agreed to provide assistance packages to enable those who had fled to India to return, and to establish a power-sharing arrangement to ensure indigenous representation. Local NGOs claim that only a few of the provisions have been fully implemented by the government to date. The CHT remains heavily militarised, and local and international NGOs and media are generally not permitted access. Military checkpoints inhibit free movement in the area by local people. While some local administrative bodies exist, they are largely powerless and unrepresentative of local people – the CHT districts are the only ones in Bangladesh with appointed representatives rather than elected ones.

3.5 Indigenous people in the CHT continue to express concerns over the appropriation of their land by authorities and others, including Bengali settlers and commercial entities, and the lack of an effective mechanism to resolve land disputes fairly. DFAT assesses as credible allegations by rights groups that military personnel have provided tacit support for land appropriation by failing to prevent or respond to acts of physical violence by settlers against indigenous people, including instances of sexual assault against indigenous women. Local rights groups have also reported instances whereby military personnel have responded to low-level incidents of violence against settlers or military property with disproportionate 'collective justice' punishments, including forced evictions of whole villages. Local groups claim they have

difficulty convincing national media to report on indigenous issues, even where compelling visual footage exists.

3.6 DFAT assesses that indigenous people in the CHT face a moderate risk of official discrimination as they are unable to move freely, to elect their own representatives, or to access justice in cases of land appropriation or physical violence, particularly in cases involving state agents. They face a moderate risk of societal discrimination in the form of land appropriation and physical violence by settlers, including in the form of sexual assault against women (see [Women](#)).

Biharis (or ‘Stranded Pakistanis’)

3.7 The Biharis, or ‘Stranded Pakistanis’, are a community of Urdu-speaking Muslims who migrated to then-East Pakistan from the Indian states of Uttar Pradesh, Bihar and Rajasthan during and after the partition of British India in 1945. They are not physically distinguishable from the majority Bengali population, and most speak Bengali as well as Urdu. While their exact numbers are unclear, the UNHCR has estimated that between 250,000 - 300,000 Biharis live throughout Bangladesh. Up to half of Biharis reside in 116 open camps and settlements, while the remainder have integrated into Bengali communities across the country.

3.8 The Bihari community was strongly associated with the ruling regime during the 1947-71 East Pakistan period, and was widely perceived to have supported Pakistan during the 1971 conflict. Following independence, many Biharis faced reprisals, including violence. Laws intended to manage properties abandoned during the conflict resulted in many Biharis losing all of their possessions, forcing many into the camps where they resided as stateless persons.

3.9 In 2008, the Supreme Court ruled that the Bihari community satisfied the requirements for Bangladeshi citizenship, upholding a 2003 court ruling in a case brought by ten Urdu-speaking petitioners. The 2008 ruling compelled the government to issue the Biharis National Identity Cards (NICs- see ‘Documentation’) and to include them on electoral rolls. DFAT understands that most eligible Biharis have subsequently obtained NICS. Many Biharis residing in camps have, however, reported difficulties obtaining passports due to bureaucratic obstruction. Many have also experienced difficulty in finding employment, particularly in government jobs, due to the address displayed on their NICs.

3.10 DFAT assesses that Biharis residing in camps are subject to a low level of official discrimination as they may face bureaucratic obstruction while attempting to obtain passports, and may suffer discrimination when applying for government jobs due to their residential address. They are also subject to a low level of societal discrimination in relation to employment opportunities.

People who identify as Rohingya (Rohingya)

3.11 Bangladesh has a long history of hosting a minority Muslim population from Myanmar’s Rakhine state who identify as ‘Rohingya’. The ethnic Rakhine population and others in Myanmar contest the use of this term, claiming that the group should be recognised and known as ‘Bengali’ (see DFAT’s Country Information Report on Myanmar, published on 10 January 2017). This report uses the term ‘Rohingya’ for ease of purpose.

3.12 The Rohingya, who are predominantly Sunni Muslim, face substantial and long-standing official and societal discrimination in Myanmar. The Myanmar government does not consider them one of the country’s official ethnic groups and has denied them citizenship since 1982, effectively rendering them stateless. DFAT understands there is widespread sympathy in Bangladesh for the Rohingya based on the perception that their persecution in Myanmar is due to their Muslim faith. Since the 1970s, official crackdowns, clearance

operations and communal violence have led hundreds of thousands of Rohingya to flee Myanmar in successive waves to Bangladesh and other Southeast Asian countries.

3.13 A major outbreak of violence in Rakhine State beginning on 25 August 2017 led to more than 600,000 Rohingya arriving in Bangladesh in the space of a few months, joining an estimated 300-400,000 earlier arrivals. UNHCR reports that 78 per cent of the new arrivals are women and children. Displaced persons have made consistent and detailed allegations of systematic acts of violence committed against them by local Buddhist Rakhine vigilante groups and the Myanmar military. These alleged acts include (but are not limited to): the burning of Rohingya villages, the theft of property and other assets, widespread rape, beheadings, and the killing of children in front of their family members. The claims made by the Rohingya arrivals in Bangladesh are consistent with documentary evidence gathered by international media and NGOs, including photographic and video footage, and satellite imagery. Military restrictions on access to the areas under question, however, make it difficult to verify the situation. An internal investigation conducted by the Myanmar military initially found no wrongdoing on the part of its members. In January 2018, the military admitted that members of the security forces (and local villagers) had summarily executed ten Rohingya villagers detained on suspicion of having terrorist links, whose bodies had been discovered in a mass grave the previous month. In a statement, the military Commander-in-Chief confirmed that some members of the security forces had violated the rules of engagement and committed to taking action against them, as well as against the officers who had failed to report the incident to their higher command.

3.14 The overwhelming majority of both new and previous Rohingya arrivals are located in Cox's Bazar district, adjacent to the Myanmar border, which is one of Bangladesh's poorest districts. In addition to high rates of poverty, crime, malnutrition and poor food security, the district is highly vulnerable to flooding caused by cyclones and the monsoon season. Over half of the new arrivals have sought shelter in and around two existing Rohingya refugee camps and in makeshift sites that existed before the influx. The unprecedented volume of new arrivals, coupled with the high numbers of earlier arrivals, has placed immense strain on infrastructure, services, the environment and the host population. On 23 November 2017, the Bangladesh and Myanmar governments concluded an Arrangement on Return of Displaced Persons from Rakhine State and established a Secretary-level joint working group to oversee the process. Under the terms of the Arrangement, repatriations should commence in early 2018. Questions remain, however, about the adequacy of conditions in Rakhine State and the willingness of those displaced to return in the absence of citizenship and livelihood guarantees.

3.15 Regardless of their arrival date in Bangladesh, Rohingya are not eligible for citizenship (including through marriage) and are not legally entitled to work. DFAT understands that many Rohingya who arrived before 25 August 2017 have been able to work informally in Bangladesh using fraudulent identity documents, including National Identity Cards (see [Rohingya Documentation](#)). Local sources have reported that law enforcement agencies generally do not actively seek to enforce legal provisions restricting Rohingya access to employment, although Rohingya generally receive lower wages and poorer conditions than those available to locals. DFAT assesses as credible allegations that law enforcement agencies have demonstrated a reluctance to investigate crimes committed against Rohingya by Bangladeshi citizens, including serious crimes such as rape.

3.16 Prior to the post 25 August 2017 influx, DFAT understands that relations between the local community and Rohingya in Cox's Bazar have generally been peaceful, although some Rohingya participated in Islamist protests against the Buddhist community in September 2012 (see [Buddhists](#)). Local sources have reported that, while some locals were concerned about competition for jobs and limited resources, most recognised that the presence of the Rohingya brought economic benefits through the provision of services and resources by international humanitarian agencies. Early indications suggest the scale of the new influx has raised tensions with the local community, and increased the potential for localised insecurity (see [Security Situation](#)).

RELIGION

3.17 The Constitution holds that Islam is the state religion but commits the state to ensuring equal status and equal rights in the practice of the Hindu, Buddhist, Christian and other religions. The Constitution also commits the state to upholding secularism by not granting political status in favour of any religion, by prohibiting the abuse of religion for political purposes, and by prohibiting discrimination or persecution of persons protecting any religion. It also provides for the right to profess, practise, or propagate all religions 'subject to law, public order, and morality', and states religious communities or denominations have the right to establish, maintain and manage their religious institutions. The Constitution stipulates no one attending any educational institution shall be required to receive instruction in, or participate in ceremonies or worship pertaining to, a religion to which they do not belong.

Personal Status Laws

3.18 Family law (concerning marriage, divorce, inheritance and adoption) contains specific provisions for Muslims, Hindus and Christians, but the same secular courts hear cases for all religious communities. There is a separate civil family law for mixed faith families or those of other faiths or no faith. All citizens have access to alternative dispute resolution for settling family arguments and other civil matters not related to land ownership.

3.19 The family law of the religion of the two parties concerned governs marriage rituals and proceedings. A Muslim man may have as many as four wives, but must obtain the written consent of his existing wife or wives before marrying again. A Christian man may marry only one wife. Hindu men may have multiple wives, but cannot officially divorce. Buddhists are covered under Hindu law, and divorced Hindus and Buddhists may not legally remarry. Divorced men and women of other religions and widowed individuals of any religion may remarry. Marriage between members of different religious groups can legally occur under civil law. DFAT understands that interfaith marriage is uncommon and is generally poorly regarded. Muslim couples must register their marriage with the state for it to be formally recognised, (although many do not). Registration for Hindus and other faiths is optional.

3.20 Under the Muslim family ordinance, a widow receives one-eighth of her husband's estate. The remainder is divided among the children, with each female child receiving half the share of each male child. Muslim wives have fewer divorce rights than husbands. Courts must approve divorces. The law requires a Muslim man to pay a former wife three months of alimony, but these protections generally apply only to registered marriages. Authorities do not always enforce the alimony requirement.

3.21 On 27 February 2017, the government passed a new marriage law, the *Child Marriage Restraint Act* (2017) which allows exceptions to the minimum marriage age, currently set at 18 years for women and 21 years for men. The new law permits parents and guardians to obtain a court order to allow children to be married if it is in their 'best interests'. Human rights groups have criticised the law for not providing a definition of what 'best interests' may mean, or stipulating a minimum age for when marriage can occur, and have expressed concern that the law could result in rape victims or impregnated minors being married to their abusers without their consent (see also [Women](#)).

Religious conversions

3.22 There are no laws prohibiting religious conversion in Bangladesh. DFAT assesses that individuals converting from Islam to another religion (generally Christianity) are more likely to face societal pressure than individuals converting to Islam. Rumours that Christian churches are seeking to convert Muslims have

occasionally led to localised violence against Christian individuals and institutions. In separate incidents in early 2016, Islamist militants murdered Christian converts in Jhenaidah, west of Dhaka, and in Kurigram, northern Bangladesh. DFAT is unaware of any more recent attacks of this nature against Christian converts.

3.23 NGOs and the domestic media have reported that Islamist groups have forcibly converted non-Muslim indigenous children in the CHT and other rural areas (see '[Indigenous Peoples – Chittagong Hill Tracts \(CHT\)](#)'). The reports allege that the groups convince parents to relinquish custody of their children by claiming they will provide the children with a proper education and lifestyle in Dhaka and other developed cities. The groups instead forcibly convert the children to Islam and place them in *madrassas* (Islamic schools) without their parents' knowledge or consent. In January 2017, police in Bandarban (in the CHT) arrested two men for the alleged trafficking of four children aged between 9 and 13. DFAT assesses that the claims of forced conversion are highly credible.

Blasphemy/ Defamation of Religion

3.24 Chapter XV of the Penal Code ('Of Offences Relating to Religion') provides for penalties of up to two years' imprisonment for statements or acts that demonstrate a 'deliberate and malicious' intent to insult religious sentiments. Although the code does not define 'intent to insult religious sentiments', Bangladeshi courts have generally interpreted it to include insulting the Prophet Mohammed. The Criminal Code allows the government to confiscate all copies of any newspaper, magazine, or other publication containing language that 'creates enmity and hatred among the citizens or denigrates religious beliefs'. The *Information and Communication Technology (ICT) Act* (2006) (see [Media](#)) applies similar restrictions to online publications, and was amended in 2013 to further criminalise defamation of religion.

3.25 Islamist organisations have consistently used the pejorative label 'atheist' against individuals who have publicly criticised Islamic fundamentalism or have questioned the role of Islam in the state, including those advocating for secular values. The government has periodically used the blasphemy laws against such individuals, often following complaints from Islamist organisations.

- In April 2013, authorities arrested and charged four bloggers who had posted comments calling for a ban of JI. All four bloggers spent significant time in prison and on trial throughout 2013 and 2014, and have subsequently withdrawn from public life. The arrests followed street protests by an estimated 100,000 Islamist demonstrators in Dhaka who demanded amendments to blasphemy laws to include the use of the death penalty;
- In March 2014, authorities arrested and imprisoned two teenaged bloggers for Facebook posts deemed insulting to Islam and the Prophet Mohammed. Fellow bloggers have alleged that an Islamist student organisation distributed false material to incite violence against the bloggers, leading to their arrest;
- The government dismissed and subsequently arrested a Cabinet minister in September 2014 after he made remarks deemed critical of the *hajj* (Islamic pilgrimage to Mecca) at a discussion in New York. After the minister's remarks were broadcast, Islamist groups issued a 24-hour deadline for the government to arrest him upon his return to Bangladesh, and more than 20 blasphemy cases were filed against him;
- In February 2016, police arrested a publisher at an international book fair in Dhaka and charged him under the ICT Act with criticising religion. Islamists had threatened violence if he was not detained for disseminating publications they considered disrespectful of Islam. The publisher faces up to 14 years' imprisonment if found guilty.

3.26 In addition to official sanction, individuals who have publicly criticised Islamic fundamentalism or have criticised the role of Islam in the state have faced significant societal pressure in the form of threats and

violence from Islamist militant organisations. In February 2013, a blogger who had criticised Islamic fundamentalism was hacked to death outside his home in Dhaka. Two students were subsequently sentenced to death for the attack (one *in absentia*); while a Muslim cleric who had preached that it was legal to kill atheist bloggers who campaigned against Islam received a five-year sentence for abetting the murder.

3.27 In April 2013, Islamist groups published a ‘hit-list’ of 84 bloggers whose writings were deemed to be ‘un-Islamic’. Four bloggers whose names were on the list were hacked to death in separate machete attacks in Dhaka and Sylhet in 2015, along with another blogger in Dhaka in April 2016. Many of the other bloggers, writers, and publishers on the list went into hiding or exile due to concerns over the absence of, or inadequacy of, state protection. A further murder occurred in April 2016 of a university professor in Rajshahi who was involved in cultural activities that hard-line Islamist groups condemned as ‘un-Islamic’.

3.28 As noted in [Security Situation](#), Bangladeshi authorities conducted extensive counter-terrorism operations in response to the wave of militant attacks, including arresting a number of militants connected with the attacks. While condemning the threats and acts of violence, however, the government has tended to attribute blame for militant attacks upon the victims for criticising religion. Following the 2015 attacks, for example, the Home Minister stated that bloggers should be careful not to write anything that might hurt any religion, beliefs and religious leaders, while the Prime Minister stated it was unacceptable for anyone to write against the Prophet or other religions. DFAT assesses that this stance reflects domestic political considerations, with the government attempting to balance the interests of its traditional secular support base with those of Islamist groups.

3.29 DFAT assesses that those accused of blasphemy or defamation of religion by Islamist organisations are likely to face legal sanction, including imprisonment. High profile anti-Islamist bloggers face a high risk of societal discrimination in the form of threats and physical violence, with limited access to state protection.

Hindus

3.30 Estimates of the numbers of Hindus in Bangladesh vary: while the 2011 census put their numbers at 12.5 million, some current estimates place the Hindu population as high as 15.5 million. All sources agree that the Hindu community is Bangladesh’s largest religious minority group. Most Hindus are ethnically and linguistically Bengali, and are not physically distinguishable from the majority Muslim population. While Hindus live throughout Bangladesh, including in Dhaka, there are a small number of ‘Hindu belts’ in the south, east, and north of the country where Hindus comprise up to 40 per cent of the local population. Some exclusively Hindu villages exist, although most villages are religiously mixed.

3.31 The percentage of Hindus in Bangladesh has fallen considerably over time. There have been two mass emigrations of Hindus from Bangladesh (then-East Pakistan). Approximately 2.5 million Hindus left then-East Pakistan for India at Partition – the 1951 Census indicates a fall in the Hindu population of 21.4 per cent from the previous Census ten years earlier. Up to 8 million Hindus (70 per cent of the Hindu population of East Pakistan) fled the country during the 1971 civil war, and as many as 2.4 million others died during the conflict, including from being deliberately targeted by the Pakistan Army and its local allies. The overwhelming majority of the Hindus who have left Bangladesh have gone to India, although small numbers have also gone to western countries.

3.32 No legal or other restrictions prevent Hindus from freely practising their faith, or from participating in broader society. Hindus have made a significant contribution to Bangladeshi public life, including in politics, government, academia, business, and the arts. While they have traditionally supported the AL and other left-leaning parties such as the Communist Party, all major political parties have fielded Hindu candidates. While the current AL Cabinet has Hindu members, the overall level of Hindu political

representation remains low and Hindu community groups have campaigned for reserved seats in parliament. Similar to other religious minorities, Hindus are not well represented in the security forces.

3.33 Like other minorities, the Hindu community is disproportionately affected by historical and continuing land appropriation. During the 1965 war between Pakistan and India, the then-Pakistani government designated Hindus as 'enemies' and many had their property seized under the *Enemy Property Act* (1965). The *Vested Properties Return (Amendment) Act* (2011) allowed Hindus to apply for the return of, or compensation for, property seized under the 1965 Act. Hindu communities and advocacy organisations have complained that the Act is too narrowly defined, and the application process cumbersome and convoluted. In June 2016, an NGO representing organisations with claims for property returns alleged that government officials tasked with reviewing claims had denied them even when required documentation was in order. In other cases, officials had classified properties as governmental and therefore not eligible for return. The NGO reported that 70 per cent of all claims remained unresolved four years after the enactment of the 2011 Act.

3.34 In the lead-up to and following the 2014 elections, JI activists launched a wave of attacks against the Hindu community, killing more than two dozen, destroying hundreds of homes and businesses, and displacing thousands. DFAT understands that the primary motivation for the anti-Hindu violence, which was most prevalent in the northwest, was resentment over the testimony of Hindu witnesses in International Crimes Tribunal (ICT) proceedings (see [International Crimes Tribunal \(ICT\)](#)). In the aftermath of the violence, the High Court ruled that law enforcement agencies had 'seriously failed' to protect members of vulnerable groups, including Hindus. The government responded by providing assistance to victims and helping communities restore religious and private property damaged in the violence.

3.35 As noted in [Security Situation](#), Islamist militant groups, including some claiming links with the Islamic State terrorist organisation, conducted a number of small-scale localised attacks against minority religious and social groups across the country between January 2013 and mid-2016. These attacks killed or seriously injured several Hindus. Police were despatched to protect temples and clergy in response to the attacks and to death threats made by militants. Bangladeshi authorities subsequently conducted extensive counter-terrorism operations. DFAT assesses that these operations have reduced the capability of militant groups but have not eliminated the risk of further attacks.

3.36 In October 2016, at least 100 Muslims violently attacked a Hindu village in Brahmanbaria district in east-central Bangladesh. Although police reinforcements and paramilitary border guards were despatched to the area, the attack left dozens injured, and at least 15 Hindu temples and over 200 Hindu homes badly damaged and looted. Smaller attacks against Hindus in the area also occurred. Initial media reports suggested Islamists had incited the violence by alleging a young Hindu had posted on Facebook an edited photograph of a Hindu deity seated atop the Kaaba in Mecca. A subsequent government investigation found the Facebook photograph had been faked, most likely as a means to incite the violence. An NCHR investigation concluded that the incident was a pre-planned effort aimed at appropriating Hindu land. More than 1000 people connected to the incident and the smaller attacks were arrested and/or charged, including a local police officer, while the AL suspended three local leaders from the party for their involvement.

3.37 DFAT assesses that Hindus with historical land claims face a moderate risk of official discrimination because they are unlikely to be able to reclaim their property or obtain compensation despite a legal pathway enabling them to do so. Hindus face a moderate risk of societal discrimination in the form of physical violence, particularly around periods of heightened political tensions such as national elections, and may face a risk of sporadic attacks from Islamist militants.

Buddhists

3.38 An estimated one million Buddhists live in Bangladesh, most of whom are from the indigenous populations of the CHT. As noted in [Indigenous Peoples – Chittagong Hill Tracts \(CHT\)](#) and [Christians](#), ethnic and religious issues frequently overlap in the CHT but DFAT assesses that in most cases religion is a contributing factor rather than a causative one.

3.39 There have been occasional instances of societal violence elsewhere in Bangladesh that have targeted Buddhists based on religion. The most serious incident occurred in September 2012, when up to 25,000 Islamists burned several Buddhist temples and approximately 50 Buddhist houses in Cox's Bazar during protests against a Facebook posting by a Buddhist man that showed a desecrated Koran (see [Blasphemy/ Defamation of Religion](#)). DFAT understands an effective police response to the incident prevented further violence, and Buddhist leaders blamed the violence on outsiders rather than the local Muslim community. Separately, Islamist militants in the CHT killed one Buddhist monk in May 2016 during the wave of militant attacks against minorities (see [Security Situation](#)).

3.40 The Buddhist community in Cox's Bazar has expressed strong concerns that popular local anger against the persecution in Myanmar of the Muslim Rohingya population may lead to a violent backlash against local Buddhists. DFAT understands Bangladeshi authorities have deployed additional police in Buddhist areas in Cox's Bazar to prevent a repeat of the Islamist protests that targeted Buddhists in 2012 (see [People who identify as Rohingya \(Rohingya\)](#)). There have been anecdotal reports of small-scale harassment of some Buddhists in Dhaka and elsewhere in relation to the Rohingya issue.

3.41 DFAT assesses that Buddhists face a low risk of societal violence in the form of occasional localised incidents. These are likely to take place in the context of other events, such as communal disputes over land ownership and usage in the CHT. Like other minorities, Buddhists may face a risk of sporadic attacks from Islamist militants.

Christians

3.42 Christianity first arrived in Bangladesh in the 15th century with Portuguese traders. Bangladesh has historically hosted three distinct Christian groups: the descendants of those converted by the Portuguese, who are predominantly Catholic; the descendants of those converted during the British era, who are predominantly Protestant; and indigenous peoples who converted en masse both before and after independence. With many of the first two groups emigrating from Bangladesh in recent decades, the third group now comprises the majority of Bangladeshi Christians. Credible estimates suggest that around 600,000 Christians in total reside in Bangladesh. Most of the indigenous Christians live in the CHT and northern border region, and are physically and linguistically distinct from the majority Bengali population (see [Indigenous Peoples – Chittagong Hill Tracts \(CHT\)](#)). Christians living in and around Dhaka are not easily distinguishable from other Bengalis, although many Catholics have identifiable surnames (often Portuguese).

3.43 No legal or other restrictions prevent Christians from freely practising their faith, and Christians are entitled to equal treatment under the law. Christians are able to access state schools, hospitals and other services. Christians have made a significant contribution to public life, particularly in relation to social welfare – a legacy of historical and continuing missionary efforts. The Christian education system, which operates throughout the country from primary to tertiary levels and is open to all faiths, is held in high regard by the communities in which Christian schools and universities operate. This provides Christians with some degree of protection against harassment at the local level.

3.44 As noted in Indigenous Peoples – Chittagong Hill Tracts (CHT) and Buddhists, ethnic and religious issues frequently overlap in the CHT but DFAT assesses that in most cases religion is a contributing factor rather than a causative one.

3.45 Rumours that churches are seeking to convert Muslims, local tensions over interfaith relationships, and significant international events such as US-led attacks on Muslim countries have occasionally led to threats against Christian individuals and institutions. Opposition party activists targeted Christian (and other minority) communities before and after the January 2014 parliamentary elections because of their perceived political affiliation with the AL.

3.46 As noted in Security Situation, Islamist militants, including some claiming links with the Islamic State terrorist organisation, conducted a number of small-scale localised attacks against minority religious and social groups across the country between January 2013 and mid-2016. These attacks killed or seriously injured a number of Christians. Authorities despatched police to protect churches and clergy in response to the attacks, and to death threats made by militants. Bangladeshi authorities conducted extensive counter-terrorism operations in response to the wave of militant attacks. DFAT assesses that these operations have reduced the capability of militant groups but have not eliminated the risk of further attacks.

3.47 DFAT assesses that Christians face a low risk of societal violence in the form of occasional localised incidents. These are likely to take place in the context of other events, such as communal disputes over land ownership and usage in the CHT. Like other minorities, Christians may face a risk of sporadic attacks from Islamist militants.

Ahmadis

3.48 The Ahmadiyah movement takes its name from its founder, Mirza Ghulam Ahmad, who lived in British India in the 19th century. Ahmad saw himself as a renewer of Islam and his followers regard him as a messiah. DFAT understands approximately 100,000 Ahmadis live in Bangladesh. Although Ahmadis worship in their own mosques, eight of which are located throughout the country, they are otherwise indistinguishable from the majority Bengali Muslim population. The current AL government lifted an earlier BNP government ban on the publication, sale and distribution of Ahmadi publications, and no other legal restrictions currently prevent Ahmadis from freely practising their religion.

3.49 Although Ahmadis identify as Muslims, many orthodox Muslim sects regard them as apostates because they believe in the coming of a second prophet. This has resulted in periodic societal discrimination, including physical attacks, boycotts and demands for the state to label Ahmadis as non-Muslims. The most serious attacks were a suicide bombing of a mosque in Rajshahi District in November 2015 that injured three people; and a physical attack on an Ahmadi imam by a group of madrasa students in Mymensingh in May 2017 that left him with critical injuries. Authorities have responded to attacks on Ahmadis by despatching police to protect mosques and clergy.

3.50 DFAT assesses that Ahmadis face a low risk of societal violence in the form of occasional localised incidents. Like other minorities, Ahmadis may face a risk of sporadic attacks from Islamist militants.

POLITICAL OPINION (ACTUAL OR IMPUTED)

Political Parties

3.51 The AL and the BNP have dominated politics in Bangladesh since independence. The AL has traditionally been broadly liberal, secular, rural-based and pro-Indian, while the BNP has been more conservative, anti-India, urban-based and more accommodating of political Islam. Both parties have been prepared to compromise these ideologies for the sake of political expediency: the AL, for example, has recently worked to cultivate close ties with conservative Islamists.

3.52 The relationship between the two parties is characterised by longstanding enmity. Both parties derive their legitimacy from their claim to be the true heirs of Bangladeshi nationalism: the AL led the independence movement before and during the 1971 civil war, while the BNP holds as its institutional basis the ideology of Bangladeshi nationalism. The rivalry between the two parties is also deeply personal at the highest levels: the AL's leader, Sheikh Hasina, is the daughter of the 'Father of the Nation' Sheikh Mujibur Rahman; the BNP's leader, Khaleda Zia, is the widow of the party's founder, former General and President Ziaur Rahman. Sheikh Mujibur Rahman and Ziaur Rahman were both assassinated in office, and their respective parties view them as martyrs.

3.53 These factors have contributed to the approach taken by both parties of treating politics in a confrontational 'winner takes all' fashion. The ruling party's affiliated organisations have historically controlled all public institutions while that party has been in power, and both the AL and BNP have exploited the state machinery to suppress government opponents. As noted in relevant sections, international and domestic observers have expressed concern over the extent to which the current AL government has restricted the activities of civil society organisations and journalists, while further politicising state institutions such as the police, military and judiciary.

3.54 The AL has also focused on restricting the activities of opposition political parties, particularly the BNP and JI (see following section). These restrictions have included arresting thousands of opposition political party members and supporters, often in conjunction with political demonstrations (see [Arbitrary Arrest and Detention](#)), preventing opposition parties from holding meetings and demonstrations, and pressuring opposition candidates to withdraw from local and municipal elections, including through preventing them from submitting election nominations. Opposition figures have also been prevented from leaving the country (see [Exit and Entry Procedures](#)), and many (including Khaleda Zia) have faced legal sanction, including sedition charges. In October 2017, authorities issued two further arrest warrants for Khaleda Zia, who was at the time travelling outside Bangladesh.

3.55 DFAT assesses that under the current AL government, senior members of opposition political parties (particularly the BNP) face a high risk of politically motivated arrest, legal charges and travel bans. Active members of opposition political parties and auxiliary organisations (see following section) who participate in demonstrations also face a high risk of arrest and physical violence, both from security forces and ruling party activists. This risk is elevated around times of heightened political tension, including elections. Ordinary members of opposition political parties and auxiliary organisations who do not engage in political activities and demonstrations face a low risk of arrest, although this may vary according to location and timing.

Political Auxiliary Organisations

3.56 Both the AL and BNP (and other Bangladeshi political parties) have large auxiliary organisations, including wings for students, volunteers, youth, and professionals (such as doctors, lawyers and labourers).

While the exact size of these organisations is unknown, they are large: local sources estimate that the AL's student wing, the Bangladesh Chhatra League (BCL), alone has ten million people. The sheer size of the auxiliary organisations means that, in practice, the central leadership of the relevant political party exercises only a limited amount of control over their activities, and the auxiliary organisations maintain a high degree of autonomy.

3.57 The auxiliary organisations support the political parties through fundraising and election-related activities. They also play a major role in inter- and intra-party violence (see [Politically Motivated Violence \(PMV\)](#)). DFAT assesses as credible allegations that members of student wings are often party activists rather than genuine students, and that auxiliary organisations are often a front for criminal activities, including violence and extortion. The BCL has effectively controlled public university campuses since 2009, preventing members of other parties' student wings from undertaking activities and even from sitting examinations. In rural areas, AL members and activists have reportedly extorted business owners affiliated with the BNP, threatening them with violence if they do not comply with demands for money.

3.58 In addition to the BCL, key AL auxiliary organisations include the Bangladesh Awami Jubo League (youth wing), the Bangladesh Mahila Awami League (women's wing), the Awami Swechhashebok League (volunteers' wing), the Bangladesh Krishok League (farmers' wing), the Jatiyo Sramik League (workers'/labour wing), and the Awami Ainjibee Parishad (lawyers' wing). Key BNP auxiliary organisations include the Jatiyatabadi Chhatra Dal (student wing), the Jatiyatabadi Jubo Dal (youth wing), the Bangladesh Jatiyatabadi Mohila Dal (women's wing), the Bangladesh Jatiyatabadi Krishak Dal (farmers' wing), the Bangladesh Jatiyatabadi Muktijoddha Dal (freedom fighters' wing), the Bangladesh Jatiyatabadi Sechchasebak Dal (volunteers' wing), the Bangladesh Jatiyatabadi Samajik Sangskritik Sangstha (cultural wing), the Bangladesh Jatiyatabadi Sramik Dal (workers'/labour wing), the Bangladesh Jatiyatabadi Tanti Dal (weavers' wing), the Bangladesh Jatiyatabadi Olama Dal (religious wing), and the Bangladesh Jatiyatabadi Matshayajibi Dal (fishermen's wing).

Politically Motivated Violence (PMV)

3.59 Bangladesh is prone to high levels of politically motivated violence (PMV). PMV manifests regularly in the form of violent clashes between supporters of different factions of the same party (intra-party violence), supporters of rival parties (inter-party violence), and between party supporters and law enforcement agencies. Fatalities and serious injuries resulting from these clashes are common. PMV tends to peak during periods of heightened political unrest, including during elections, strikes, and blockades. It tends to be most prevalent outside Dhaka, particularly in northwest and southeast Bangladesh. According to Ain o Salish Kendra (ASK- a local NGO), 177 people died and more than 11,462 people were injured in 907 separate incidents of PMV in 2016, while 52 people died and 4816 people were injured in 364 incidents of PMV in 2017. In addition to those killed and injured in inter- and intra-party violence, these figures include those killed and injured in election-related violence, strikes, blockades, and clashes with law enforcement agencies.

3.60 The January 2014 national elections were the most violent in Bangladesh's history, with months of PMV (including all of the forms listed above) leaving hundreds dead and thousands injured across the country. The violence resurfaced in January 2015 after the government decided to confine BNP leader Khaleda Zia to her party office in Dhaka on the anniversary of the 2014 polls. Local government and council elections in April 2015, December 2015, and March 2016 were also marred by violence. DFAT assesses that violence is also highly likely to accompany the next national elections in late 2018 or early 2019.

3.61 In recent years, the frequency and level of intra-party violence has far outweighed that of inter-party violence, particularly between competing AL factions. In 2015, ASK documented 226 instances of AL intra-party violence (resulting in 33 deaths) and nine instances of intra-party violence involving all other

parties (no deaths), as opposed to 30 instances in total of inter-party violence (25 of which were between the AL and BNP) resulting in seven deaths. In 2016, ASK documented 88 instances of AL intra-party violence (resulting in 17 deaths) and 44 instances of intra-party violence for all other parties (resulting in five deaths), compared with 18 instances of inter-party violence (13 of which were between the AL and BNP), resulting in four deaths. Similarly, in 2017 ASK documented 150 instances of AL intra-party violence (resulting in 29 deaths) and 92 instances of intra-party violence for all other parties (resulting in nine deaths), compared with 29 instances of inter-party violence (resulting in 11 deaths).

3.62 DFAT understands that intra-party violence between AL factions has been the most common form of PMV largely due to the party's complete control over state institutions in recent times. Competition between rival factions and candidates (including so-called 'rebels', who have contested local elections as independents) for lucrative contracts, tenders and appointments to senior party positions, has superseded ideological differences. This trend may shift in the lead-up to the next national elections should the BNP confirm its participation.

Jamaat-e-Islami (JI)

3.63 Jamaat-e-Islami (JI) is the largest Islamist party in Bangladesh, with historical strongholds in Rajshahi (northern Bangladesh) and Chittagong, the country's second largest city. The party is committed to the creation of an Islamic state adhering to *sharia* (Islamic law), and to the removal of 'un-Islamic' laws and practices. The Islami Chhatra Shibir (ICS) is the JI's student wing. It is one of the largest Islamist student organisations in South Asia. International sources report that it is one of the strongest student fronts in the Universities of Chittagong, Rajshahi, and Jahangirnagar. Local academic sources describe the ICS as having a notorious reputation for violence.

3.64 Government practices under the AL have severely restricted the JI's ability to conduct activities on a day-to-day basis. In August 2013, the High Court deregistered JI as a political party because it judged that provisions in JI's charter preventing women and non-Muslims from holding political or bureaucratic posts were inconsistent with the Constitution.

3.65 Five JI leaders have been executed after being convicted of war crimes by the ICT (see [International Crimes Tribunal \(ICT\) and Death Penalty](#)). Unsurprisingly, JI has vehemently opposed the ICT, which it has characterised as an attack on Islam and on Bangladesh's identity as a Muslim country. JI has periodically held major strikes and violent demonstrations across the country, particularly against the ICT, which have resulted in numerous deaths (mainly at the hands of security forces) and large-scale property damage. In response to these demonstrations, and in response to militant attacks, authorities have arrested thousands of JI members in counter-terrorism operations, including through enforced disappearances (see [Enforced or Involuntary Disappearances](#)).

3.66 Authorities have particularly targeted for arrest the JI's senior leadership, few of whom remain free and active. Other targets include prominent leaders, ICS members and, in some cases, family members. Lower-level JI members have reportedly been able to avoid the attention of authorities either through the paying of bribes to AL leaders or by physically relocating. DFAT assesses as credible reports that the situation is better for JI members in villages than in cities.

3.67 DFAT assesses that senior JI leaders face a high risk of arrest and legal sanction. Active JI members and ICS members who continue to engage in political activities and demonstrations also face a high risk of arrest. Ordinary JI and ICS members who do not engage in political activities and demonstrations face a low risk of arrest, although this may vary according to location.

GROUPS OF INTEREST

Civil Society Organisations (CSOs)

3.68 Article 38 of the Constitution guarantees citizens the right to form associations or unions, provided they have objectives consistent with the Constitution and are not formed for the purpose of destroying religious social or communal harmony; for creating discrimination on any grounds; or for organising terrorist or militant activities. Bangladesh has an active civil society sector that conducts activities on a wide range of social, cultural, political and economic issues. All civil society organisations (CSOs), including religious organisations, are required to register with the Ministry of Welfare. The NGO Affairs Bureau, which sits within the Office of the Prime Minister, facilitates the activities of CSOs in the country.

3.69 CSOs working on sensitive topics or groups (including religious issues, human rights, indigenous people, LGBTI, Rohingya refugees, corruption, and workers' rights) have reported an increasing level of formal and informal government restrictions. These restrictions have included bureaucratic harassment in the form of repeated audits by the National Board of Revenue, legal harassment under the ICT Act (see [Media](#)), the temporary freezing of bank accounts, overt monitoring by intelligence agencies, and disruption of planned events. The government has often countered CSO criticism through the media, sometimes with intimidating or threatening remarks. In July 2016, for example, the State Minister for Social Welfare told Parliament that his ministry would investigate and cancel the registration for any NGO involved in 'anti-state activities'. While CSOs working on human rights cases have continued to criticise the government, some have reported that these actions have created an atmosphere of fear and intimidation, leading to greater levels of self-censorship.

3.70 The passage of the *Foreign Donations (Voluntary Activities) Regulation Act* (2016) in October 2016 has hampered the operations of international CSOs and domestic CSOs reliant on foreign funding. The Act places stricter controls over the foreign funding of CSOs, and enacts punitive provisions for CSOs who make 'derogatory comments' regarding the Constitution, Bangladesh's founding history, or its institutions and leaders. Observers have criticised the Act for being unclear, subject to interpretation, and contrary to the constitutional right to freedom of expression. The Act also requires the NGO Affairs Bureau to approve and monitor every CSO project. The NGO Affairs Bureau also now has the power to impose sanctions, including heavy fines and closure for those in breach of the Act. Some CSOs have reported that the Bureau has discouraged them from pursuing rights-based awareness training and capacity building activities, encouraging them instead to focus on service delivery.

3.71 According to Freedom House, CSOs advocating labour rights have faced increased harassment over the past few years. While legislative reforms in 2015 have simplified procedures for forming labour unions, union leaders attempting to organise or unionise workers continue to face dismissal or physical intimidation. A week-long strike against low wages and unsafe working conditions in the rapidly expanding garment industry led to the dismissal of at least 1,500 garment workers and the arrest of union leaders.

3.72 DFAT assesses that CSOs working on the sensitive topics or groups listed in 3.69 face a moderate risk of official discrimination in the form of bureaucratic harassment (as described), monitoring by intelligence agencies, threats and intimidation, and possible arrest.

Media

3.73 Article 39 of the Constitution guarantees the right of freedom of speech and expression, subject to 'reasonable restrictions'. The *National Broadcasting Policy* (2014) allows for restrictions on coverage that

criticises the government or security forces, or that is determined to threaten national security. The *Information and Communication Technology (ICT) Act* (2006) covers online crimes, including defamation and blasphemy (see also [Blasphemy/ Defamation of Religion](#)). The Act permits law enforcement agencies to arrest and indefinitely detain suspects without bail, and imposes no limit on officials' power during the investigatory period. A Broadcast Act has been drafted but not finalised. Rights groups have criticised the draft Act for permitting prison terms, rather than fines or other civil measures, for non-compliance. In 2017, Freedom House ranked Bangladesh's press freedom status as 'Not Free'.

3.74 Bangladesh has a wide variety of traditional and electronic media. Media outlets tend to align themselves with one or other of the main political factions. Television is the most popular medium, particularly in major cities. While the state-run Bangladesh Television is the sole terrestrial network with national coverage, there are more than 40 privately owned television stations. The Ministry of Information controls broadcast licensing for both commercial and community outlets. Private broadcast outlets are required to air selected government-produced news segments and official speeches, and there have been reports of government officials instructing private outlets not to cover activities of the opposition. State-run radio covers almost the entire country, and there are approximately two dozen privately owned radio stations, including several community stations. A range of Bengali and English language newspapers are diverse, outspoken and privately owned. Low literacy rates in rural areas limit the reach of newspapers outside urban centres.

3.75 Defamation is a criminal offence. Sedition laws can be applied broadly, and penalties range from fines to life in prison or even the death penalty if the accused is found to have undermined the constitution. There has been a rise in the number of legal cases against journalists, notably against those at mainstream outlets. In February 2016, the editor of the *Daily Star*, one of Bangladesh's leading English language newspapers, was served with 67 defamation and 16 sedition lawsuits after he admitted to publishing unsubstantiated information about the Prime Minister. The lawsuits, most of which were lodged by members of the AL, were lodged in districts across the country, forcing the editor to spend weeks traversing the country making bail applications. The Bangladesh High Court criticised the charges and stayed them in April 2016, and the cases remain unresolved. In September 2016, police arrested and detained the editor of an education news website for the alleged defamation of a former official with ties to the ruling party.

3.76 Authorities have on occasion refused journalists access to events with the Prime Minister due to their criticism of the government, and have threatened with closure media outlets that have criticised the government. Reporters have faced contempt of court charges or other legal action for critical reporting on judicial proceedings or personnel, including on the actions of the International Crimes Tribunal (see [International Crimes Tribunal \(ICT\)](#)). Authorities have shut down television stations and newspapers, ostensibly for being in breach of broadcasting regulations. Journalists have reported interference with their work in the form of surveillance, including through police monitoring of their email correspondence. Some journalists brought in for questioning have reported that intelligence officers ordered them to supply their personal internet passwords. In 2015, the army's military intelligence wing successfully pressured several major companies to stop advertising in two major daily newspapers after both papers reported on a sensitive army operation in the CHT.

3.77 In the past few years, the number of online news outlets has increased dramatically, as has the use of social-networking websites. The percentage of Bangladeshis who are internet users is steadily rising, but remains low: only 13.2 per cent of the population went online in 2016. While access to the internet is usually unrestricted, the official Bangladesh Telecommunication Regulatory Commission (BTRC) has occasionally interfered with internet and mobile networks, including YouTube, Facebook, and messaging applications. In August 2016, the BTRC blocked access to 35 news websites, including a number of much-visited opposition sites. The government gave no reason for the mass blocking and did not refer the matter to the courts before taking action.

3.78 The government routinely monitors blogs and social media websites. Rights groups have expressed concerns about the draft *Digital Security Act* (2016), which Cabinet approved in August 2016 but which parliament has not yet signed into law. The draft Act, which aims to curb cyber-terrorism and other cyber-crimes, imposes severe penalties for disseminating online material deemed anti-state or a threat to national security or public order. Maximum penalties under the draft Act include life in prison for spreading false information about the 1971 civil war or about 'Father of the Nation' Sheik Mujibur Rahman; seven years for disturbing public order; and two years for defamation or harming religious sensitivities.

3.79 Local sources report that journalists (including bloggers) face a continuing risk of threats and retaliatory violence from a range of actors in relation to their reporting. These actors include criminal organisations, party activists, business owners, figures associated with the intelligence services, police and military, and Islamist militants. This violence can be lethal. There is a general environment of impunity for threats and attacks against journalists, with most going unprosecuted.

3.80 As noted in Blasphemy/ Defamation of Religion, five bloggers were murdered in 2015-16 in apparent retaliation for their online activism. In a separate incident, the editor of Bangladesh's only LGBTI magazine was murdered in April 2016 (Sexual Orientation and Gender Identity refers). In November 2016, a group attacked two television journalists while they were reporting on an illegal polythene factory in Dhaka. One of the journalists was doused in kerosene but bystanders intervened before the attackers could set him on fire. In February 2017, an AL official fatally shot a journalist who was covering clashes between rival AL factions in the north-western district of Sirajganj. In November 2017, a university professor (and former journalist) disappeared in Dhaka. The professor was the founder of an interactive online platform promoting democracy, pluralism and multiculturalism in Bangladesh.

3.81 The risk of physical attack and/or legal action has led many Bangladeshi journalists to practise self-censorship in their reporting, particularly when covering sensitive topics such as the military, judiciary or religious affairs. Government officials have encouraged this practice. The wave of killings and death threats against bloggers has exacerbated self-censorship amongst this group also, leading many to stop writing altogether.

3.82 DFAT assesses that journalists attempting to report on the military, judiciary and religious affairs, and on the other sensitive subjects outlined in Civil Society Organisations (CSOs), are likely to feel pressured to self-censor their reporting to avoid the risk of legal sanction, arrest, threats, harassment and physical violence.

Women

3.83 Article 28 (2) of the Constitution states that women shall have equal rights with men in all spheres of the State and of public life, and numerous additional constitutional provisions prohibit discrimination on the grounds of sex. There are considerable legal protections for women in many areas, including on personal safety, participation in the workforce, and mandatory schooling for girls. Many women now occupy positions in the civil service, judiciary, police, military, and local government institutions. While the participation of women in the workforce remains low compared to that of men, the emergence of the ready-made garment industry has provided a means of economic empowerment for large numbers of lower-income Bangladeshi women (although they are among the country's most vulnerable workers). Women occupy 20 per cent of the seats in Parliament. Bangladesh has had two female Prime Ministers, including the incumbent, although this is not representative of the position of women in Bangladeshi society more generally (see also Political Opinion (Actual or imputed)).

3.84 While women participate in all areas of Bangladeshi society, long-standing societal, cultural and religious attitudes continue to place limits on the extent of that participation. For example, a May 2016

survey conducted by the Asia Foundation on the attitudes of Bangladeshis towards democracy found that 62 per cent thought parliament should have only or mostly male representatives, an opinion shared by both men (69 per cent) and women (55 per cent). As noted in [Personal Status Laws](#), laws relating to family (including marriage, divorce and inheritance) derive from religious tradition, which tends to disadvantage women. Religious leaders in rural areas sometimes impose flogging and other extrajudicial punishments on women accused of violating strict moral codes, but do not impose these punishments on men (see [Traditional/Informal Justice Mechanisms \(Village Courts\)](#)).

3.85 Despite legal prohibitions, rape, sexual harassment and other forms of gender-based violence against women occur frequently. Human rights NGO Odhikar documented 757 rape cases in 2016 and 783 in 2017. These figures likely understate actual occurrence. Rape within marriage is not a crime. According to the US State Department, the prosecution of rapists is weak and inconsistent, which supports a culture of impunity and encourages further criminal acts by those who escape legal consequence for their crimes. NGOs report that a high-percentage of rapes and attempted rapes involve girls aged between seven and 12 years of age, and many rape victims subsequently commit suicide.

3.86 Domestic violence is widespread. The *Domestic Violence (Prevention and Protection) Act (2010)* criminalises domestic violence. It provides for a punishment of up to six months' imprisonment for a first offence or two years' imprisonment for repeated offences. The law is not, however, effectively enforced. According to a survey conducted by the Bangladesh Bureau of Statistics in 2015, almost two-thirds of ever-married women had experienced one or more forms of violence (physical, sexual, economic, emotional or controlling behaviour) by their husband at least once in their lifetime, and 54.7 per cent had experienced violence during the last 12 months. Most women who had experienced partner violence (72.7 per cent) never reported their experience to others, with reasons for non-action including lack of access to social services, concern about family honour, fear of the perpetrator, and shame or embarrassment.

3.87 While the government operates a confidential helpline for reporting abuse, very few Bangladeshi women are aware of the service. Local NGOs claim the number of women's shelters and legal aid services nationwide remain inadequate compared to the need. Existing shelters rely heavily on project funding, leading to questions over sustainability. NGOs report that indigenous women in remote areas of the CHT are particularly vulnerable to violence and sexual assault, and are less likely to be able to access government services than women residing elsewhere in the country.

3.88 A 2009 High Court guideline prohibits sexual harassment, known euphemistically as 'Eve-teasing', in private and public, including in educational institutions and workplaces. The Bangladesh National Women Lawyers' Association reported in June 2016 that enforcement and monitoring of the guideline was poor, noting that the formation of complaints committees and the installation of complaints boxes at educational institutions was rarely enforced. In many cases, harassment prevents girls and women from attending school or work. Both women and men have been physically assaulted for challenging abuse. Odhikar documented 242 cases of sexual harassment, including stalking, in 2017. These figures are likely to understate considerably the true number of cases.

3.89 Violence against women also occurs frequently, particularly in relation to disputes over dowries. Odhikar reported 256 cases of dowry-related violence against women in 2017, compared with 206 cases in 2016. Although less common than in the past, acid attacks against women remains a particular problem. Most acid attacks are reportedly related to marital, family, land, property or money disputes, or to a woman's refusal to accept a marriage proposal. Odhikar reported 52 acid attacks against women in 2017, compared with 40 cases in 2016.

3.90 Bangladesh has one of the highest child marriage rates in the world: 52 per cent of girls are married before the age of 18, and 18 per cent married before the age of 15. In February 2017, Parliament approved a law allowing girls under the age of 18 to marry under 'special circumstances', with permission from their

parents and a court. The new law did not specify what ‘special circumstances’ might include, nor provide a minimum age for such marriages. The new law came in spite of a 2014 government pledge to end child marriage before the age of 15 by 2021, and to end marriage before the age of 18 by 2041. Local rights groups have expressed concern that the new law could lead to widespread abuse, legitimise statutory rape, allow parents to force girls to marry their rapists, and further encourage the practice of child marriage.

3.91 DFAT assesses that most Bangladeshi women face persistent societal discrimination and the threat of gender-based violence. Longstanding traditional values and gender roles continue to restrict the participation of women in the workforce and community.

Sexual Orientation and Gender Identity

3.92 Article 377 of the Penal Code (‘Of Unnatural Offences’) criminalises homosexual acts, defined as ‘carnal intercourse against the order of nature’, and provides for a maximum penalty of life imprisonment. While actual prosecutions are rare, human rights groups report that police have used Article 377 to harass LGBTI individuals, including men considered effeminate regardless of their sexual orientation. This harassment includes using the Article as leverage to extort bribes from individuals under threat of arrest, and as a means to limit registration of LGBTI organisations. The level and frequency of harassment depends largely on an individual’s socio-economic status and geographic location.

3.93 Male homosexuality remains a strong social taboo, while there is a general lack of societal awareness of lesbians. The overwhelming majority of gay and lesbian people in Bangladesh prefer to keep their sexual orientation a private matter. There is considerable familial and societal pressure on both gay men and lesbians to enter into heterosexual marriages. DFAT assesses it would be extremely difficult in practice to live in a publicly acknowledged homosexual relationship.

3.94 Until recently, there had been some evidence to suggest that official and societal attitudes towards LGBTI rights and issues were improving. Local NGOs reported they had been able to campaign for LGBTI rights through cultural activities in an increasingly open manner since 2007. The government acknowledged the existence of the LGB population in its April 2013 Universal Periodic Review, having stated in its 2009 review that there were no LGB individuals in the country. A ‘Rainbow Rally’ LGBTI rights parade held during the Bengali New Year in April 2015 was both high profile and well attended.

3.95 Events since 2016 have suggested that this trend is reversing. Organisers planning a follow-up event to the Rainbow Rally in April 2016 received a number of death threats, and cancelled the event after police refused to guarantee protection and instead arrested four of their number. In the same month, Islamist militants murdered LGBTI activist Xulhaz Munnan, the founder of Bangladesh’s only LGBTI magazine, in his apartment, along with a friend. Officials commenting on the murders of the two men blamed the murders on Munnan’s activism: the Minister for Home Affairs declared that Munnan was ‘writing in favour of unnatural sex, which is tantamount to a criminal offence’. The murders remain unsolved. Following the two murders, several gay men – both activists and non-activists – reported receiving threats of violence. LGBTI activists subsequently cancelled a number of advocacy events and constrained their work, some in the LGBTI community removed Facebook pictures hinting at same-sex relationships or deactivated their profiles altogether, and many went into hiding. This has resulted in considerably weakened advocacy and support networks for LGBTI persons.

3.96 While DFAT is unaware of any further murders or violent crimes committed against LGBTI individuals, rights activists have reported that the government has generally remained unsympathetic on the issue. Although the murders of Munnan and his friend were two of the most high-profile murder cases in Bangladesh, only two newspapers mentioned the issue on the first anniversary of their deaths. One republished an Amnesty International Report, while the other reported that no government agencies, law

enforcement or investigation officers had contacted Munnan's family in the year since his murder. An editor of a leading English language newspaper reportedly told activists that they had received official instruction not to publish articles on homosexuality.

3.97 In May 2017, the Rapid Action Battalion (see [Police](#)) arrested 27 LGBTI youths at a party in Keranganj on the outskirts of Dhaka – Bangladesh's largest coordinated arrest of LGBTI individuals in recent history. While a RAB representative confirmed that those arrested included 'homosexuals from 20 districts' and images of the arrestees appeared on television and in newspapers identifying them as gay men, those arrested were charged with narcotics offences rather than under Article 377. Activists have suggested that arresting and charging the group on the grounds of drug possession rather than homosexuality – and using the RAB rather than regular police to do so – was an attempt by authorities to send a message to the LGBTI community that their activities were being monitored, while avoiding international pressure.

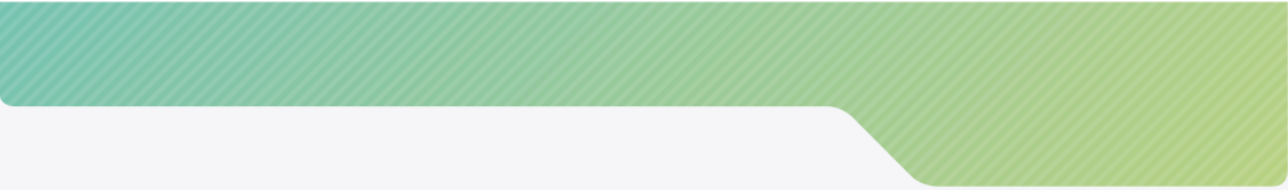
3.98 DFAT is aware of proposals to establish a position for an LGBTI representative in the National Human Rights Commission (see [National Human Rights Institution](#)), which may provide greater opportunities for advocacy of LGBTI rights and provide a clearer avenue for effective recourse against those responsible for violating them. It is unclear how far the proposal has progressed or the timeline for when such a position might be established.

3.99 DFAT assesses that LGBTI individuals face a moderate risk of official discrimination in that they are unlikely to be able to access state protection in the event of threats or attacks against them. Although prosecutions or legal prosecutions are rare, the existence of Article 377 can be used as a means of harassment or extortion. DFAT assesses that people perceived to be LGBTI individuals face a high risk of physical violence.

Hijras

3.100 The position of LGBTI individuals in Bangladesh contrasts and should not be confused with that of the *hijra* (male to female transgender individuals), who have a long recorded history in the Indian subcontinent. Many *hijras* live in well-defined and organised communities, which have sustained themselves over generations by 'adopting' young boys who have been rejected by, or have fled, their family of origin. While they have an accepted role in Bangladeshi society, *hijras* remain marginalised. Few mainstream employment options are open to *hijras*, and many obtain income through informal means, including extortion, performing at ceremonies, begging or sex work. Acceptance of *hijra* family members among relatives is generally low, and they lack inheritance rights under *sharia* provisions governing personal status matters (see [Personal Status Laws](#)). They are vulnerable to violence from both the community and law enforcement.

3.101 In January 2014, the government announced the recognition of a third gender category for *hijras*, which ostensibly offered them improved access to education, health and housing services. The announcement did not, however, provide a definition as to who qualified as a *hijra*, or outline the measures individuals must take to legally change the gender marker on their official documents from 'male' to '*hijra*'. The lack of these guidelines have hindered government attempts to integrate *hijras* into formal employment. For example, in December 2014 a number of *hijras* selected for appointment to positions in the public service in December 2014 were subjected to invasive medical tests as part of the recruitment process. Shortly after the medical examinations, the *hijras*' names were exposed in a newspaper article that declared them imposters, as they were 'really men' who were committing fraud to obtain government jobs. Many of the *hijras* reported increased harassment by their neighbours and the general public and increased economic hardship.



3.102 DFAT assesses that although *hijras* have a more accepted place in Bangladeshi society than LGBTI individuals, bureaucratic uncertainty, traditional values and gender roles continue to restrict their participation in the workforce and community.

4. COMPLEMENTARY PROTECTION CLAIMS

ARBITRARY DEPRIVATION OF LIFE

Extra-Judicial Killings

4.1 International and local rights groups concur that extrajudicial killings committed by government security forces occur frequently in Bangladesh. Prominent Bangladeshi human rights NGO, Odhikar, reported 185 extrajudicial killings perpetrated by law enforcement agencies in 2015, 178 in 2016, and 154 in 2017. In April 2017, the UN Human Rights Committee expressed concern at the high rate of extrajudicial killings by police officers, soldiers and Rapid Action Battalion members (see [Police](#)), the excessive use of force by state actors, and the lack of investigations and accountability of perpetrators.

4.2 According to the US State Department, many suspicious deaths have occurred during raids, arrests, and other law enforcement operations in what the government has described as 'crossfire' or 'encounter killings'. Officials and the media use these terms to characterise exchanges of gunfire between security forces and criminal gangs or militants. In many such cases, security forces claim to have taken a suspect in custody to a crime scene or hideout late at night to recover weapons or identify conspirators, only for the suspect to be killed when his conspirators shot at police. Human rights groups allege that law enforcement units have detained, interrogated and tortured suspects, brought them back to the scene of the original arrest, executed them, and attributed the death to lawful self-defence in a 'crossfire' incident. Odhikar documented 148 'crossfire killings' in 2015, 151 in 2016, and 139 in 2017.

Enforced or Involuntary Disappearances

4.3 International and local rights groups concur that enforced and involuntary disappearances occur frequently in Bangladesh, and particularly target individuals associated with opposition political parties. In February 2017, the United Nations Working Group on Enforced or Involuntary Disappearances (the Working Group) issued a press release calling upon the government to halt the increasing number of enforced disappearances in the country. The Working Group expressed its concern about continuing reports of the use of enforced disappearance as a tool by law enforcement agencies, paramilitary and armed forces; and its regret that the government had not provided any response or information to any of the specific cases the Working Group had raised with it. The government has also not responded to the Working Group's request for an invitation to visit the country, first raised in March 2013.

4.4 In July 2017, Human Rights Watch (HRW) alleged that law enforcement authorities had illegally detained hundreds of people since 2013, including scores of opposition activists, and held them in secret detention. The report, based on interviews with family members and witnesses, found that at least 90 people were victims of enforced disappearance in 2016 and 48 people were forcibly disappeared in the first five months of 2017. While most of the victims of enforced disappearance appeared in court after weeks or months of secret detention, the HRW report documented 21 cases of detainees who died in custody and

nine others whose whereabouts remain unknown. The report also alleges that many of those forcibly disappeared were subjected to severe torture and ill-treatment while in secret custody (see also [Torture and Cruel, Inhuman or Degrading Treatment or Punishment](#)). Odhikar concurred with the findings of the HRW report, documenting 86 cases of enforced disappearances in 2017.

Deaths in Custody

4.5 The *Torture and Custodial Death (Prevention) Act* (2013) prohibits the use of torture by authorities. It provides for sentences of life imprisonment or a fine of TK100,000 (\$A1,600) for the perpetrator in the event of a custodial death taking place. Notwithstanding these legal provisions, custodial deaths occur frequently. In 2015, ASK documented 69 custodial deaths (27 convicted prisoners and 42 detainees), and 78 custodial deaths in 2016 (32 convicted prisoners and 46 detainees). Odhikar documented 59 custodial deaths in 2017 (but did not provide a breakdown between convicted prisoners and detainees). According to Odhikar, the causes of custodial deaths included the effects of torture in police remand, negligence by prison authorities, and deprivation of medical treatment in jail.

DEATH PENALTY

4.6 Bangladeshi law allows courts to impose the death penalty for a number of offences, including murder, terrorism, sedition, espionage, treason, rape, kidnapping and drug trafficking. Executions are by hanging, although the High Court ruled in 2009 that military officers could be executed by firing squad. Bangladeshi courts hand down large numbers of death sentences, and DFAT understands that there are at least 1,000 people on death row. Very few of these sentences are actually carried out, however. Although in the past decade Bangladesh has carried out executions every year except 2014, the highest number of executions in any single year was ten people in 2016. Bangladesh has not executed any women since independence, and Article 51 of the *Children's Act* (2013) prohibits the execution of those aged under 16 years at the time of the offence. Bangladesh executed at least five people in 2017, most recently on 16 November. Bangladesh has applied the death penalty to several convictions under the ICT (see [International Crimes Tribunal \(ICT\)](#)).

TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

4.7 As noted in [Human Rights Framework](#), Bangladesh is a party to the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (1984). Article 35 (5) of the Constitution prohibits torture and cruel, inhuman or degrading punishment, while the *Torture and Custodial Death (Prevention) Act* (2013) stipulates that Bangladeshi authorities cannot extract confessional statements through torture, and makes torture an offence punishable by life imprisonment.

4.8 Despite these legal protections, domestic and international NGOs report that law enforcement agencies routinely use both physical and psychological torture as a tool of interrogation or punishment. According to Odhikar, torture is so endemic there is a general assumption that once a person is arrested he/she will be tortured. Another human rights group has reported that detainees are certain to face torture unless there are exceptional reasons why they would not, such as concern over the torture attracting wider attention. The exact number of Bangladeshis subjected to torture is unknown, but credibly estimated to be in the thousands. Methods of physical torture include severe beating, suspension from the ceiling, sexual assault, and electric shock. In 2016, HRW documented a trend of 'kneecapping', whereby security forces

deliberately shot detainees in the knee or leg. Odhikar reported that 12 detainees were tortured to death while in detention in 2017.

4.9 The law contains provisions allowing a magistrate to place a suspect in interrogative custody, known as remand, during which questioning of the suspect can take place without a lawyer present. Human rights organisations allege that many instances of torture occur during remand. Prosecutions of police and other security forces for torture are rare. In March 2015, the UN Working Group on Human Rights expressed concern over reports that law enforcement officials had requested the repeal of the 2013 Act, and that they be protected from prosecution in relation to torture allegations.

4.10 DFAT assesses as highly credible allegations that Bangladeshi law enforcement agencies routinely use torture as a tool of interrogation or punishment.

Arbitrary Arrest and Detention

4.11 Article 33 (1 and 2) of the Constitution prohibits arbitrary arrest and detention. It states that every person arrested and detained in custody should be informed of the grounds for arrest, be permitted to consult a lawyer, be produced before a magistrate within 24 hours, and not be detained beyond 24 hours without the magistrate's authority. Clauses 3 and 4 state that the above protections do not apply to an enemy alien, nor to anyone arrested or detained under any law providing for preventive detention. The *Special Powers Act* (1974), the *Counter-Terrorism Act* (2009) and various articles of the Criminal Code all allow the authorities to detain people without warrants.

4.12 The US State Department's 2016 Human Rights Report on Bangladesh documented large numbers of arbitrary arrests, often in conjunction with political demonstrations or as part of security force responses to terrorist activity. In addition, the government held persons in detention without specific charges, sometimes in an attempt to collect information about other suspects. Police arrested approximately 14,000 individuals in a mass arrest campaign preceding the Eid holidays in June 2016, including a purported 2,000 BNP activists. Human rights organisations and other observers claimed that police used the arrest campaign to raise money through bribes and bail from arrested individuals, as well as to intimidate members of political opposition groups.

Corporal Punishment

4.13 Corporal punishment remains lawful as a sentence for crime for males, including juveniles, under a number of colonial era and/or pre-independence laws. The *Code of Criminal Procedure* (1898), the *Whipping Act* (1909), the *Suppression of Immoral Traffic Act* (1933), and the *Cantonments Pure Food Act* (1966), all provide for the whipping of juvenile offenders under the age of 16. The *Railways Act* (1909) allows for the whipping of boys under the age of 12.

4.14 The Supreme Court ruled in 2011 that corporal punishment in schools was unlawful as it violated the constitutional prohibition of torture and cruel, inhuman or degrading punishment or treatment (Article 35 (5)). Legislation to implement this ruling is yet to be enacted, and physical punishment in schools is reportedly still commonplace. The *Children's Act* (2013) does not prohibit corporal punishment, and law enforcement agencies have not interpreted provisions against violence and abuse in the Penal Code and the *Domestic Violence Act* (2010) as prohibiting corporal punishment in childrearing.

5. OTHER CONSIDERATIONS

STATE PROTECTION

5.1 Political interference and corruption operate to constrain the rule of law in Bangladesh. While the Supreme Court and several constitutionally mandated institutions such as the NHRC, Bangladesh Election Commission, and the National Legal Aid Organisation continue to work to enforce the fundamental rights of citizens, insufficient funding and a lack of political support hamper their efforts. Other organs of state protection, including the military, police, and lower courts, are heavily politicised and subject to corruption. DFAT assesses that victims of abuse have few avenues for effective recourse in cases where the perpetrator belongs to a state agency.

Military

5.2 Chapter IV of the Constitution covers matters relating to the military. Article 61 gives supreme command of the military to the President, Article 62 empowers parliament to raise and maintain the defence services and to appoint their chiefs of staff, and Article 63 states that parliamentary assent is necessary to declare war. The Minister for Defence (a position currently held by the Prime Minister) is responsible for defence policy. Although the *Bangladesh Army Act (1952)* provides for the possible introduction of compulsory military service, Bangladesh has never had conscription. The Bangladeshi Armed Forces comprise an army, navy and air force. The army has a force size of approximately 200,000 personnel, the navy around 27,000 personnel, and the air force around 20,000. The military has contributed significantly to UN peacekeeping missions since the 1980s.

5.3 The military has intervened in politics on several occasions since independence (see [Recent History](#)). Following a failed coup attempt in 2012, the AL reportedly purged the military of government critics, opposition party supporters, and officers with close contacts in the Pakistani military. The government has also reportedly increased salaries, created more senior positions, allocated valuable land to senior officers, and allowed the military to consolidate its control over the CHT (see [Indigenous Peoples – Chittagong Hill Tracts \(CHT\)](#)). DFAT assesses that the Bangladeshi military is a highly politicised organisation.

Police

5.4 Bangladesh Police ('the police') is the country's primary law enforcement agency, and it plays the prime and pivotal role in maintaining national law and order. The Minister for Home Affairs has portfolio responsibility for the Bangladesh Police. The force comprises approximately 195,000 personnel organised into a number of specialised organisations, including the RAB, Criminal Investigation Department, the Special Branch, the Armed Police Battalion, and Metropolitan Police.

5.5 Professionalism varies across the police. While senior officers are relatively well trained and well paid, and occupy important positions within the bureaucracy, those in lower ranks are often poorly paid, trained and equipped. Low salaries encourage some police to supplement their income through demanding

bribes from members of the public (see also [Corruption](#)). The US State Department noted in 2016 that public distrust of police and security services deterred many Bangladeshis from approaching them for assistance, or to report criminal incidents.

5.6 Political and bureaucratic interference is a significant impediment to police efficiency. Both AL and BNP governments have used the police to undermine opposition forces, and many politicians have used the police to advance their personal interests. Human rights organisations have expressed concern over persistent use of excessive use of force by police, and by the general culture of impunity surrounding police behaviour. Investigations into police misconduct are internal, and generally lack either transparency or credibility. DFAT assesses that most Bangladeshis, and particularly those with connections to opposition parties, would seek to avoid engagement with the police.

Judiciary

5.7 Part VI (Articles 94-117) of the Constitution outlines the country's judicial functions, while Article 22 commits the state to ensuring the separation of the judiciary from the executive. The judiciary models the British system, and comprises a supreme court, subordinate courts and tribunal courts. The Supreme Court comprises of an Appellate Division and a High Court Division. The Appellate Division decides appeals against High Court decisions. It has the power to draft new amendments or additions to the law, overriding Parliament if necessary. The High Court has authority over all subordinate courts and tribunals. Subordinate courts form the backbone of the Bangladeshi judicial system, and comprise criminal and civil Courts. Tribunal courts include (but are not limited to): income tax, administrative, election, and public safety tribunals.

5.8 The court system has severe backlogs – Freedom House reported that as many as 3.1 million pending cases as of December 2016. In some cases, the length of pre-trial detention equalled or exceeded the maximum sentence for the alleged crime. According to the US State Department, the granting of extended continuances effectively prevents many defendants from obtaining fair trials due to witness tampering, victim intimidation, and missing evidence. Corruption and politicisation are also significant issues – human rights observers report that, in many cases magistrates, attorneys, and court officials have demanded bribes from defendants, or have ruled based on influence by or loyalty to political patronage networks. In other cases, judges who decided against the government have risked transfer to other jurisdictions.

5.9 The National Legal Aid Organisation provides free legal services to those who cannot afford other forms of legal representation. According to local NGOs, there has been a steady increase in the number of state-supported legal aid cases since the passing of the *Legal Aid Law* (2000, amended 2002). Some NGOs also run legal aid schemes (funded by donors), which supplement services provided by the government. Most NGO legal aid cases concern family disputes.

5.10 Although the law provides for an independent judiciary, a constitutional provision according the executive branch authority over judicial appointments to lower courts and over compensation and assignments for judicial authorities undermines full judicial independence. In August 2017, the High Court ruled that a 2014 constitutional amendment giving parliament impeachment power over High Court judges was unconstitutional. In issuing the judgement, the Chief Justice strongly criticised the government's actions in introducing the amendment, describing it as 'narrow parochialism'. In response, the government publicly condemned the judgement, interpreting the Chief Justice's comments as an attack on the Prime Minister and her father and demanding he resign. In October 2017, the government announced that the Chief Justice had applied for leave due to health reasons, and that he was facing 11 criminal charges including graft and money laundering. The Chief Justice subsequently tendered his resignation on 11 November.

5.11 DFAT assesses that capacity issues, corruption, and politicisation weaken the ability of the judiciary to deliver effective justice.

International Crimes Tribunal (ICT)

5.12 In 1973, the newly independent government of Bangladesh passed the *International Crimes (Tribunals) Act* (ICT Act 1973), authorising the investigation and prosecution of persons responsible for genocide, crimes against humanity, war crimes and other crimes under international law committed in 1971. An International Crimes Tribunal (ICT) was only established in 2010, following a series of popular protests demanding the death penalty for those found guilty of war crimes. The ICT consists of a three-member judges' tribunal, a seven-member investigation agency, and a twelve-member prosecution team. It has to date indicted 42 people, 24 of whom have received the death penalty (five *in absentia*) and 18 have been sentenced to life in prison. Six of those convicted have been executed: five from JI and one from the BNP (see also [Death Penalty](#)). Two have died in prison.

5.13 Local contacts say the ICT enjoys broad public support in Bangladesh because of the collective memory of atrocities committed during the 1971 civil war. Local and international human rights organisations have, however, consistently raised concerns that trial proceedings have not followed international fair trial standards. HRW has documented inappropriately applied rules of evidence, arbitrary limitations on the number of defence witnesses and documents, and harassment of defence counsel. In one case, a defendant was found to have instigated his subordinates to commit abuses, although no subordinates were identified or testified. Another defendant was refused permission to submit testimony from witnesses to establish his alibi. JI has strongly condemned the ICT for political bias, declaring it 'a government conspiracy to make JI a leaderless party.' DFAT concurs with the assessment of human rights groups that the ICT proceedings fall short of international fair trial standards.

Detention and Prison

5.14 The Department of Prisons (within the Ministry of Home Affairs) administers Bangladesh's 68 prisons. According to the World Prison Brief, Bangladesh had a prison population total of 78,578 in October 2016, more than double the country's official capacity. Almost three-quarters of the prison population were pre-trial detainees, and 96.6 per cent were male.

5.15 Human rights groups concur that living and sanitation conditions in Bangladesh prisons are very poor. Severe overcrowding is common, with many prisoners forced to sleep in shifts. Juvenile prisoners are often incarcerated with adults. Prisons do not meet minimum international standards for adequate light, air, decency and privacy, and do not have adequate toilet facilities. The US State Department's 2016 Human Rights Report stated that prisoners reported having to pay exorbitant fees (approximately USD380 per month) for food, bathing and toilet use, places to sleep, and other services, with authorities levying additional fees for visits with family members. There is no established mechanism or institution for prisoners to submit complaints.

5.16 Independent oversight of prisons is limited. Government-appointed committees composed of prominent private citizens in each prison locality monitor prisons monthly, but do not publicly release their findings. This makes it impossible to assess whether they are rigorous and credible, or if their review procedures are effective. According to the US State Department, the government permitted prison visits in 2016 from the International Committee of the Red Cross and the Bangladesh Red Crescent Society.

Traditional/Informal Justice Mechanisms (Village Courts)

5.17 There are currently 1,000 active village courts located throughout Bangladesh. Village courts operate under the *Village Court Act (1976)*, and play a vital role in providing access to justice for a significant portion of the population – more than 70 per cent of disputes in Bangladesh are resolved outside of the formal justice system. These quasi-judicial local courts deal with petty cases such as land disputes, family disputes, and money lending cases. Village court verdicts are appealable in the civil courts at the district level, but DFAT understands that judgements are generally respected. Village courts apply a broad range of traditional rules, often heavily influenced by traditional religious law. Their decisions on personal status issues tend to be biased against women (see [Personal Status Laws](#)). NGOs have reported instances of religious leaders imposing flogging and other extrajudicial punishments on women accused of violating strict moral codes (see [Women](#)).

INTERNAL RELOCATION

5.18 Article 36 of the Constitution guarantees citizens the right to move freely throughout Bangladesh, to reside and settle in any place therein, and to leave and re-enter Bangladesh. There is no legal impediment to internal movement within Bangladesh, and Bangladeshis can and do relocate for a variety of reasons. Major cities, such as Dhaka and Chittagong, offer greater opportunities for employment. DFAT assesses that women without access to family or other support networks are likely to face greater difficulties in relocating than men, particularly if they are poor, single, and/or have suffered gender-based violence.

5.19 As noted in [Indigenous Peoples – Chittagong Hill Tracts \(CHT\)](#), the CHT is a heavily militarised area. Access to large sections of the CHT is restricted, and military checkpoints prevent free movement in the CHT by local people. Local NGOs report that many indigenous people have left the CHT to live in other parts of the country.

TREATMENT OF RETURNEES

Exit and Entry Procedures

5.20 The Department of Immigration and Passports conducts immigration checks and maintains a list of convicted criminals and persons wanted by security forces and intelligence agencies. The department mostly uses the list to determine whether to issue passports but may also use it to prevent people from leaving the country. Authorities can refuse to issue passports to people who have been convicted of war crimes, moral turpitude or smuggling; where they are suspected of leaving to avoid criminal proceedings; where they are 'likely to engage in activities outside Bangladesh prejudicial to the sovereignty, integrity or security of Bangladesh'; or where doing so would be contrary to the public interest. DFAT is aware of cases in which authorities have prevented both senior members of the BNP leadership and ordinary BNP members from leaving the country.

5.21 The *Emigration Ordinance Act (1982)* makes it an offence to depart from Bangladesh other than in accordance with the procedures laid down in the Act. Bangladeshis require a valid passport and visas (depending on the destination country) to depart from Bangladesh. Authorities require permission from both parents before allowing travel by a minor (children under the age of 12). Minors who have passports or whose names are listed on a guardian or parent's passport may travel with only one parent.

Conditions for Returnees

5.22 Bangladesh accepts both voluntary and involuntary returnees. Bangladeshi authorities have generally insisted on a case-by-case, community level police check to verify the identity and Bangladeshi citizenship of returnees (including Rohingya) before authorising their return and issuing travel documents. This process has caused delays in returning Bangladeshis in some cases, particularly given the large numbers of people awaiting return. The International Organisation for Migration's Assisted Voluntary Returns and Repatriation program assists Bangladeshi returnees in cooperation with the returning country and the Government of Bangladesh. DFAT has no evidence to suggest that recent returnees from likeminded countries have received adverse attention from authorities or others.

5.23 DFAT assesses that most returnees, including failed asylum seekers, are unlikely to face adverse attention regardless of whether they have returned voluntarily or involuntarily. Authorities may take an interest in high-profile individuals who have engaged in political activities outside Bangladesh, including people convicted of war crimes in absentia.

DOCUMENTATION

Birth Certificates

5.24 The *Births and Deaths Registration Act* (2004) makes birth registration compulsory for everyone born in Bangladesh. Parents must register newborn babies within 45 days of birth, and penalties apply for failure to register births within two years. Bangladeshis require birth certificates to access school enrolment, passports, voter registration, employment in government or non-government organisations, and to register marriages. DFAT understand that not all service providers routinely demand birth certificates as required under the Act. Since 2001, the electronic Birth Registration Information System (BRIS) has recorded all births centrally. DFAT understands that people are still able to apply for birth certificates without any supporting documentation (in cases where people have lost their original birth certificate or have never been in possession of one), and there is a high prevalence of document fraud in relation to birth certificates.

National Identity Cards (NICs)

5.25 Under the *National Identity Registration Act* (2010), all citizens over the age of 18 must register with the Bangladesh Election Commission (BEC) to obtain a National Identity Card (NIC). NICs are valid for 15 years and are required to complete a wide range of transactions, including voting, banking, obtaining a passport, and purchasing property or other assets. To obtain a NIC, applicants must provide their electoral roll serial number, personal particulars (parents' names, date of birth and residential address), thumbprints, photograph, and signature. The BEC crosschecks these details against applicants' electoral roll details. Applicants can provide proof of residence using a range of official documents, including drivers' licenses and utility bills. Cardholders are not required to update their residential addresses should they move.

5.26 In October 2016, the BEC announced the introduction of a smart NIC, a machine-readable card containing 32 types of basic information of a citizen embedded in its microchip and with 25 security features. The purpose of the smart NIC was to prevent fraud, which was previously endemic. The BEC is currently in the process of distributing smart NICS nationwide.

Passports

5.27 Adults applying for a passport must have a valid NIC or birth registration certificate with a 17-digit birth registration number. Applicants must provide biometric data (fingerprints and photographs) to a passport office before lodging their application. A local police officer must verify an individual's identity prior to them lodging their application. Applicants can obtain a birth registration number by declaring their date of birth in person or via the BRIS system. While the government introduced machine-readable passports and established a passports database in 2010, DFAT understands that there is still a high prevalence of document fraud in relation to passports.

Rohingya Documentation

5.28 Approximately 33,000 Rohingya who arrived in Bangladesh in the 1990s and who are registered refugees possess several forms of identification, including UNHCR Identity Cards, birth certificates and World Food Programme Food Cards, which list primary and secondary household recipients. The government also reportedly maintains a 'Rohingya Family Book', which contains the details of all documented Rohingya in Bangladesh.

5.29 The government conducted a voluntary census of undocumented Rohingya in June 2016. In November 2016, authorities extended the census to include a large number of recent arrivals. DFAT understands that those participating in the census received a laminated biometric identification card. Authorities are reportedly undergoing a large-scale project to document the more than 600,000 Rohingya who have arrived in Bangladesh since 25 August 2017, and are in the process of issuing them the same laminated biometric identification card. In line with an agreement with Myanmar authorities, Bangladesh will also shortly commence processing new verification forms submitted on behalf of family units that do not require participants to specify their nationality or provide identification documents.