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Department of Foreign Affairs and Trade



DFAT COUNTRY INFORMATION REPORT BANGLADESH

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MAP



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ACRONYMS

ARSA	Arakan Rohingya Salvation Army
AL	Awami League
BCL	Bangladesh Chhatra League (the Awami League's student wing)
BEC	Bangladesh Electoral Commission
BNP	Bangladesh National Party
BRIS	Birth Registration Information System
BTRC	Bangladesh Telecommunication Regulatory Commission
CAC	Convention Against Corruption
CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CAT-OP	Optional Protocol to CAT
CCPR-OP2-DP	Second Optional Protocol to ICCPR aiming to the abolition of the death penalty
CED	Convention for the Protection of All Persons from Enforced Disappearance
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CESCR	International Covenant on Economic, Social and Cultural Rights
CHT	Chittagong Hill Tracts
CMW	International Convention on the Rights of All Migrant Workers and Members of Their Families
CRC	Convention on the Rights of the Child
CRC-OP-AC	Optional Protocol to CRC on the involvement of children in armed conflict
CRC-OP-SC	Optional Protocol to CRC on the sale of children, child prostitution, and child pornography
CRPD	Convention on the Rights of Persons With Disabilities
CSO	Civil Society Organisation
DSA	Digital Security Act 2018
HRW	Human Rights Watch
ICCPR	International Covenant on Civil and Political Rights
ICT	International Crimes Tribunal

ICT Act	Information and Communication Technology Act
JI	Jamaat-e-Islami
LGBTI	Lesbian, gay, bisexual, transgender, intersex
NGO	Non-governmental organisation
NHRC	National Human Rights Commission
NIC	National Identity Card
PMV	Politically motivated violence
RAB	Rapid Action Battalion
UN	United Nations
UNHCR	Office of the United Nations High Commissioner for Refugees (the United Nations Refugee Agency)
UPR	Universal Periodic Review at the UN Human Rights Council

GLOSSARY

<i>hijab</i>	Islamic style clothing and head covering
<i>hijra</i>	a traditional South Asian male-to-female transgender identity
land grabbing	taking land by force using violence, the threat of violence or squatting
<i>madrasah</i>	an Islamic school
<i>ulti</i>	a system of slang used by LGBTI individuals
<i>upazila</i>	sub-district
<i>yaba</i>	a drug made from methamphetamine and caffeine

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 judgment 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 84 of 24 June 2019 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 purposes, 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 draws on DFAT's on-the-ground knowledge and discussions with a range of sources in Bangladesh. It takes into account information from government and non-government sources, including (but not limited to) those produced by the US State Department, the 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 2 February 2018.

2. BACKGROUND INFORMATION

RECENT HISTORY

2.1 Most of 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 what became modern 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 West Pakistan, particularly as East Pakistan had the larger population. Tensions between the two regions came to a head when the incumbent national leadership prevented the East Pakistan-based 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, followed by a crackdown by the West Pakistan-led military, and civil war. After nine months of conflict, and aided by Indian military assistance in the final weeks, the independence movement secured victory in December 1971. Some Bangladeshis claim that as many as three million people died during the 'Liberation War', although independent sources estimate the death toll was between 300,000 and 1.2 million.

2.3 Bangladesh has experienced significant political, social and economic turmoil since independence. A succession of assassinations and military coups d'état led to military rule for much of the 1970s and 1980s, before a series of popular mass democratic movements led to the establishment of parliamentary democracy in 1991. Elections between 1991 and 2006 saw power alternating between the AL and the rival Bangladesh Nationalist Party (BNP). Bangladesh briefly returned to military rule in 2007 following violent pre-election protests, but the military returned power to the AL after its election victory in 2008. The AL remains in power, having comprehensively won the last two national elections in 2014 and 2018. Both elections were marred by violence, boycotts, and allegations of fraud (See [Political System](#)).

2.4 Bangladesh has achieved impressive levels of economic growth since the 1990s, lifting large numbers of Bangladeshis out of poverty. The country continues to face numerous challenges, however, including growing authoritarianism, extreme political polarisation, an escalation in tensions between Islamists and secularists, marginalisation of religious and ethnic minorities, and increasingly politicised national institutions.

DEMOGRAPHY

2.5 An estimated 163.2 million people live in Bangladesh. Bangladesh is one of the most densely populated countries in the world, with a population density of 1,265.04 people per square kilometre. Approximately two-thirds of Bangladeshis live in rural areas, particularly on the flood-prone delta areas of the large rivers that flow from the Himalayas. Dhaka is the capital and largest city, with an estimated population of 19.5 million.

2.6 Bangladesh is a highly homogenous society: 98 per cent of the population is ethnically and linguistically Bengali. The remainder is primarily indigenous (or 'tribal') peoples from about 50 different ethnic groups who mostly reside in northern Bangladesh or in the Chittagong Hill Tracts (CHT) in the southeast. Religious demography is covered in [Religion](#).

ECONOMIC OVERVIEW

2.7 The World Bank classifies Bangladesh as a lower middle-income country. Bangladesh ranked 136th out of 189 countries on the 2018 statistical update to the UN Human Development Index. The economy achieved real year-on-year Gross Domestic Product growth in the range of six to eight percent between 2013 and 2018. Bangladesh withstood the 2008 Global Financial Crisis with minimal ill effects, and economists forecast continuing strong growth in the medium term. The country aims to graduate from least developed country status (a UN designation) by 2024. The World Bank assessed in April 2019 that the growth outlook remains 'strong and stable', but identified structural challenges, including weak private sector investment and lack of regulatory predictability, as potential barriers to sustained economic growth.

2.8 Agriculture, particularly rice and a range of other crops, is a traditionally important part of the Bangladeshi economy, employing over 40 per cent of the total workforce. The services sector has grown in recent years, and now employs almost as many people as the agriculture sector. The garment industry has also grown substantially in recent years, and now accounts for the majority of Bangladeshi exports. Remittances from workers abroad are also of great importance to the economy.

2.9 Poverty rates have been falling steadily for decades. World Bank figures show that the proportion of people living below the national poverty line fell from almost 50 per cent in the year 2000 to below 25 per cent in 2016. The number of people living in extreme poverty (defined as living on less than USD1.90 a day) fell from 34.3 per cent to 12.9 per cent in the same period. Although poverty has reduced overall, inequality in poverty reduction is evident. Those living at the margins of society are more likely to be affected by extreme poverty, including ethnic minorities, sexual or gender diverse individuals, and people living with disability (see relevant sections).

Employment

2.10 The majority of labour force participants are engaged in informal and low-income work across various sectors, especially in the agriculture sector. While estimates of the size of the informal sector vary, it is likely to comprise between 80 and 90 per cent of the labour force. Indigenous people and people living in remote areas are very likely to work in the informal sector, and often move to large cities, especially Dhaka, in search of employment.

2.11 There are few barriers to accessing informal work, but conditions and regulation are poor. Informal work for men may involve labouring on construction sites, breaking bricks, working in shipyards, or pulling a rickshaw. These occupations are physically demanding, and do not attract protections such as unemployment or injury insurance, leave or the right to form unions. The rise of the ready-made garment

industry has enabled many of Bangladesh's poorest women to access employment for the first time. Working conditions are often very poor, however, particularly in smaller operations, and the nature of the work is generally low-skilled without the possibility of promotion. The overall participation rate of women in employment remains low and has not increased appreciably in the previous decade.

2.12 A large number of university graduates find themselves unable to secure a formal job in the context of intense competition (see [Education](#)). Those with strong political connections may be able to use these contacts to find employment. Paying bribes to get a job is also relatively common, but this reportedly occurs more in the public sector than the private sector. Many graduates unable to find employment locally look for employment opportunities abroad.

Corruption

2.13 Bangladesh is a State Party to the UN *Convention Against Corruption* (CAC). 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.

2.14 Despite these constitutional protections, all major ranking institutions routinely rate Bangladesh as a highly corrupt country – Transparency International, for example, ranked Bangladesh 149th out of 180 countries in its 2018 Corruption Perceptions Index (in which 180 is the most corrupt). Corruption is pervasive at all levels of society, and is endemic in the judicial system, police, and public services (see relevant sections). Low salaries for employees in these sectors frequently lead to these employees demanding facilitation payments to supplement their income. Anti-corruption legislation is inadequately enforced, and prosecutions for corruption are rare.

Health

2.15 The Constitution stipulates that the provision of health care is a government responsibility. In practice, however, the private sector and non-governmental organisations (NGOs) provide a significant portion of health services. Health care facilities in Bangladesh are generally poor in quality. While there are some private clinics that offer better quality, these tend to be beyond the means of ordinary Bangladeshis. Local clinics exist at the community or village levels, and support larger district or central hospitals. Although some government health services are supposed to be free, patients report that they are generally required to pay money to access services. Consultation fees are often exorbitant and out of reach of the poor. Doctors also reportedly tend to 'over-service' clients, ordering unnecessary tests to increase their incomes.

2.16 Despite considerable need, there are few support services available for those suffering from mental health disorders and no specific mental health authority. Private mental health facilities are primarily located in Dhaka, although there is also a large mental hospital in Pabna. Mental health facilities are limited, expensive, and difficult to access, particularly for those in rural areas. Those with the means generally seek treatment abroad, where the quality of treatment is better. A significant stigma attaches to people with mental health conditions. There have been public reports of mental health facilities and families shackling those with mental health conditions with chains or ropes in order to restrain them. It is unclear whether this practice is widespread.

2.17 Drug abuse is a widely reported social problem. Bangladeshi drug users primarily inhale or snort *yaba*, a synthetic concoction of methamphetamine and caffeine, but also use other drugs including heroin and cannabis. *Yaba* is commonly associated with South-East Asia and enters Bangladesh either by being smuggled across the Bangladesh-Myanmar border or through sea smuggling routes in the Bay of Bengal. In-country sources advise that drugs are widely sold and used in Cox's Bazar, including in refugee camps (see [People who identify as Rohingya \(Rohingya\)](#)).

2.18 As with all health services, drug rehabilitation services are limited. A 2017 media report on drug use in Bangladesh stated that there were five government-run drug treatment and rehabilitation centres, and 68 private institutions nationwide. Some charity or NGO-run facilities also exist, but services are limited in the context of very high demand. Although wealthy Bangladeshis are able to seek treatment abroad, those without means have difficulty accessing adequate services.

Education

2.19 The Constitution provides for free and universal primary education, which is compulsory under the *Primary Education (Compulsory) Act* (1990). The majority of Bangladeshi children complete a full course of primary education, and Bangladesh has largely achieved gender parity in primary and secondary school enrolment. According to UN data, only 44 per cent of adult women (over 25 years) and just over 45 per cent of adult men have some level of secondary education.

2.20 The general quality of education is low: the World Economic Forum's Global Competitive Index for 2018-19 ranked Bangladesh 103rd out of 137 countries for the quality of its primary education. 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.

2.21 While girls' rates of primary school education are generally on par with those of boys, girls face additional barriers to school education. While both boys and girls have high drop-out rates after primary school, girls are less likely to attend secondary or tertiary education due to factors such as a cultural preference for educating boys, who are more likely to earn an income. Seat availability in schools may preference boys. Girls who reach 12 or 13 are often expected to stay at home and support their mothers (or other female family members) with domestic duties. Parents may also be deterred from sending their daughters to school due to concerns over long (and potentially unsafe) commutes, a lack of appropriate sanitation facilities, and the possibility of sexually-based violence and harassment (see also [Women](#)).

2.22 Many students receive their education in a *madrassah* (Islamic school). In-country contacts report that *madrassah* are of varying quality, with some institutions involved in 'hate preaching' and/or linked to terrorism. There is reportedly a degree of social stigma against those who have received a *madrassah* education, due to its perceived lack of quality. This stigma has impacted on the ability of *madrassah* graduates to access jobs or university admission. The government has introduced reforms to raise the overall standard of *madrassah* education.

2.23 There is significant social and family pressure to obtain a university or other form of higher education. Gaining admission to university, and achieving good grades once there, often relies on the ability of the student (or their parents) to pay for not only tuition, but also bribes to admissions officers and teachers. Political connections also reportedly play a role in university admissions processes. A large number of university graduates report being unable to secure employment, indicating a significant disconnect between the needs of the Bangladeshi economy and the skills being taught in Bangladesh's universities.

POLITICAL SYSTEM

2.24 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 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.

2.25 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 on unelected advisers alongside elected officials. This centralisation of authority in the executive has been a feature of all Bangladeshi governments regardless of party allegiance.

2.26 The Bangladesh Electoral Commission (BEC) 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. The Grand Alliance of the ruling AL won Bangladesh's most recent election on 30 December 2018, winning over 96 per cent of seats (288 out of 298). The lead-up to the poll was characterised by violence, including street clashes, and allegations of targeted attacks against opposition figures (see [Bangladesh Nationalist Party \(BNP\)](#)). Both independent observers and opposition spokespersons alleged electoral irregularities, including the casting of votes and sealing of ballot boxes before polling day, and the intimidation and harassment of voters at polling places. The aftermath of the 2018 election was relatively peaceful, however, when compared to the aftermath of the previous election in January 2014, the most violent in the nation's history.

2.27 Information about political parties and refugee claims based on political opinion is covered in [Political Opinion \(actual or imputed\)](#).

HUMAN RIGHTS FRAMEWORK

2.28 Bangladesh is a state party to the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT), the *International Covenant on Civil and Political Rights* (ICCPR), the *Convention on the Elimination of All Forms of Racial Discrimination* (CERD), the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW), the *Convention on the Rights of Persons With Disabilities* (CRPD), the *International Covenant on Economic, Social and Cultural Rights* (CESCR), the *International Convention on the Rights of All Migrant Workers and Members of Their Families* (CMW), and the *Convention on the Rights of the Child* (CRC) and its *Optional Protocols on the involvement of children in armed conflict* (CRC-OP-AC) and *on the sale of children, child prostitution, and child pornography* (CRC-OP-SC). Bangladesh has not signed the *Optional Protocol to CAT* (CAT-OP), the *Second Optional Protocol to ICCPR aiming to the abolition of the death penalty* (CCPR-OP2-DP), or the *Convention for the Protection of All Persons from Enforced Disappearance* (CED).

2.29 The Constitution guarantees fundamental rights for citizens, including equality before the law and the right to protection of the 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, however, protect against discrimination on political grounds.

National Human Rights Institution

2.30 The *National Human Rights Commission Act* (2009) established Bangladesh's National Human Rights Commission (NHRC), the primary focus of which 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.

2.31 The NHRC is responsible for investigating allegations of human rights violations by individuals, public servants, government agencies, institutions and the state. However, it does not 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.

2.32 The NHRC was established in line with the Paris Principles, which are the international standard for national human rights institutions. The Global Alliance of National Human Rights Institutions currently gives the NHRC a 'B' rating (in a ranking system where 'A' is the most compliant and 'C' is the least compliant with the Paris Principles). The rating reflects the Global Alliance's view 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

2.33 The security situation in Bangladesh is volatile and can deteriorate quickly. Security threats include politically motivated violence, particularly ahead of elections; terrorist attacks committed by Islamist extremist groups; criminal violence; and sporadic clashes in the CHT between indigenous groups and Bengali settlers over land ownership and usage (see [Chittagong Hill Tracts \(CHT\) indigenous people](#)). Authorities have expressed concern that the large-scale influx of Rohingya from Rakhine State, Myanmar (see [People who identify as Rohingya \(Rohingya\)](#)) into Bangladesh in 2017 may lead to additional security threats in the Cox's Bazar district, including communal violence, people smuggling, drug and human trafficking, and possible radicalisation.

2.34 Successive Bangladeshi governments have faced the challenge of dealing with extremist Islamist groups, who may plan or execute 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. Human rights groups have reported that security operations against militant groups have resulted in high numbers of extra-judicial killings (see [Extra-Judicial Killings](#)).

2.35 Between January 2013 and mid-2016, domestic militants (including some claiming allegiance with the Islamic State terrorist organisation) conducted a wave of militant attacks across the country that caused numerous fatalities. These attacks, most of which were small-scale in nature, targeted foreign nationals, religious and sexual minorities, and members of groups perceived to threaten conservative Islamist values, including activists, 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 (the 'Holey Bakery attack'). Bangladeshi authorities conducted extensive counter-terrorism operations in response. DFAT understands that these operations, together with the government's gradually improving coordination on counter-terrorism, have reduced the capability of militant groups. While there have not been any subsequent attacks similar in scale to the Holey Bakery attack, the risk of further attacks cannot be discounted.

2.36 In April 2019, a militant group made an online appeal for ‘lone wolf’ attacks on a wide range of targets within Bangladesh (and India), including local and foreign media outlets, foreign security personnel, international NGOs, religious minorities, atheists and ‘known secular thinkers’. DFAT is not aware of any attacks that have taken place in connection with the appeal.

3. REFUGEE CONVENTION CLAIMS

RACE/NATIONALITY

3.1 About 98 per cent of the population is ethnically Bengali. The remainder are mostly small indigenous groups. Article 23(a) of the Constitution provides for the protection and development of the culture and traditions of ethnic minorities, including indigenous people.

Indigenous people

3.2 Bangladesh has about 50 distinct ethno-linguistic indigenous groups. While around a third of the country's indigenous population resides in the CHT (see section following), indigenous people also live across the country. Different indigenous groups have their own distinct cultures, dress and institutions. Indigenous peoples are generally visibly distinct from the majority Bengali population.

3.3 Indigenous people who move to large cities such as Dhaka in order to find work may experience discrimination and vilification, such as being subjected to abuse in the street, or having people refuse to share food or drinks with them. Women wearing traditional dress are particularly likely to be targeted. Children in mainstream schools may be targeted for bullying. Many children are unable to access education in their indigenous languages. Indigenous people report, however, that they do not generally experience discrimination in access to goods and services, at police checkpoints, or in accessing healthcare or housing.

3.4 DFAT assesses that indigenous people who move to large cities face a low level of societal discrimination and do not experience systemic official discrimination, except for the inability of some indigenous children to access education in their own language, as described above. DFAT is aware of patterns of violence against indigenous people in relation to land disputes, particularly in the CHT.

Chittagong Hill Tracts (CHT) indigenous people

3.5 A number of different indigenous groups live in the CHT in the southeast of the country. People in these groups differ from the majority Bengali population in physical appearance (more closely resembling people from some parts of Myanmar and northeast India), culture, social organisation and religion. Most are Buddhist, although an increasing number are Christian; others are Muslim or Hindu, or follow animist beliefs. Indigenous groups have their own languages, but most also speak Bengali.

3.6 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. Activists at the time alleged that 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 tens of thousands of 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.

3.7 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 the government has only fully implemented few of the provisions 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.

3.8 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. Local indigenous people claim that military officers tacitly support land appropriation (known colloquially as ‘land grabbing’) by failing to prevent or respond to acts of physical violence by settlers against indigenous people, including sexual assault against indigenous women. Fear of sexual violence leads many indigenous women to restrict their movements. 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 footage depicting alleged abuses is available.

3.9 The Barua are a large Buddhist group living in the CHT. They speak Bengali and many do not identify as indigenous. The majority of Barua live among other Bangladeshis in Chittagong, but DFAT understands that a substantial Barua community still resides in the CHT. DFAT is not aware of any tensions in the CHT between Barua and other ethnic groups.

3.10 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, particularly in the form of sexual assault against women. DFAT assesses that most Barua, particularly those living in Chittagong, do not face social discrimination and violence based on their ethnicity. Those who identify as indigenous and who live in the CHT face a risk profile consistent with other CHT indigenous people. Barua may experience discrimination based on their Buddhist religion, consistent with other [Buddhists](#).

Biharis (or ‘Stranded Pakistanis’)

3.11 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 Urdu as well as Bengali. While their exact numbers are unclear, the Office of the UN High Commissioner for Refugees (UNHCR) has estimated that between 250,000 and 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.

3.12 The Biharis were strongly associated with the ruling regime during the 1947-71 East Pakistan period, and were 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 were ineffective and resulted in many Biharis losing all of their possessions, forcing many into the camps where they resided as stateless persons.

3.13 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 (see [National Identity Cards \(NICs\)](#)) and to include them on electoral rolls. DFAT understands that most eligible Biharis have subsequently obtained NICs. Many Biharis residing in camps have reported difficulties in obtaining passports due to bureaucratic obstruction, with authorities denying applications based on the applicant's NIC listing an address in a Bihari camp. Many have also reported difficulty in finding employment, particularly in government jobs, due to the addresses displayed on their NICs.

3.14 DFAT assesses that Biharis residing in camps face 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 addresses. They are also subject to a low level of societal discrimination in relation to employment opportunities, based on their camp addresses.

People who identify as Rohingya (Rohingya)

3.15 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 Country Information Report - Myanmar](#)). This report uses the internationally recognised term 'Rohingya' for ease of purpose.

3.16 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 the 1980s, 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.

3.17 A major outbreak of violence in Rakhine State beginning on 25 August 2017 led to more than 700,000 Rohingya arriving in Bangladesh in the space of a few months, joining an estimated 200,000 earlier arrivals. The overwhelming majority of both new and old 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.

3.18 Prior to the 25 August 2017 influx, DFAT understands that relations between the local community and Rohingya in Cox's Bazar were generally peaceful (although some Rohingya participated in Islamist protests against the Buddhist community in September 2012 (see [Buddhists](#)). Local sources told DFAT that some resentment has arisen about the new arrivals, however, who are seen as competition for jobs and resources. Local groups of unemployed men have also protested at a perceived lack of opportunities for locals to work in aid organisations in the camps. Movement in and out of the camps is not restricted and many Rohingya are now 'missing', presumed to have taken jobs in the informal sector in Cox's Bazar, moved elsewhere in Bangladesh or travelled onwards to Malaysia.

3.19 Conditions for refugees living in Cox's Bazar are poor, although not necessarily worse than those experienced by local residents. Camps are overcrowded and unhygienic. Although immediate food needs are

being met, camp residents do not have access to a wide variety of food. Opportunities for employment are limited, with formal employment restricted in the camps. Some camp residents are able to gain work with humanitarian agencies activities such as camp maintenance or mentoring and education programmes for other camp residents. Violence is common, including violence against women such as domestic violence and sexual assault. Some camp residents also reportedly make an income through the trafficking of *yaba* (see [Health](#)). Weapons trading also reportedly occurs.

3.20 The extent of radicalisation in the camps, or whether it exists at all, is disputed, but cannot be fully discounted as a longer-term risk. Women and children in the camps may be affected by religiously conservative community pressure that may restrict their daily activities, including movement, choice of clothing, or ability to work. This conservatism appears to be organic and not influenced by outside radical groups or causes (including the Arakan Rohingya Salvation Army (ARSA)).

3.21 Rohingya also reside outside of Cox's Bazar, including in Dhaka. Their ability to relocate and find employment depends on individual networks. Rohingya may be motivated to assimilate into communities quickly in order to participate in informal employment undetected by authorities. Rohingya may also use fraudulently obtained documents in order to obtain work in the formal sector. DFAT is aware of claims that some Rohingya have settled in the CHT. This has reportedly caused some cultural conflict with indigenous people, which includes accusations of land grabbing.

3.22 Regardless of their arrival date in Bangladesh, Rohingya are not eligible for Bangladesh citizenship (including through marriage) and are not legally entitled to work. Many Rohingya who arrived before 25 August 2017 have been able to work informally in Bangladesh using fraudulent identity documents, including [National Identity Cards \(NICs\)](#). 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 endure poorer conditions than those available to locals. Many law enforcement personnel have allegedly demonstrated a reluctance to investigate crimes committed against Rohingya by Bangladeshi citizens, including serious crimes such as rape.

3.23 People trafficking, in which Rohingya are both the traffickers and the victims of trafficking, is a common problem. Well established Rohingya (who arrived in Bangladesh before the August 2017 crisis) may be involved in trafficking newly arrived Rohingya to other parts of Bangladesh or abroad. While most trafficking routes are overland to Malaysia and Thailand, observers continue to also report attempts to traffic by water across the Andaman Sea towards South East Asia. This route is extremely dangerous, particularly when undertaken by people with no seafaring experience. DFAT understands, however, that the government has been largely successful in preventing boat launches.

3.24 Observers have reported cases of women and girls being trafficked to India using fraudulent documents (see [Rohingya Documents](#)), which may cause them difficulty when attempting to return. Some women and girls have reportedly been shut into camp tents and sheds and not allowed to leave for fear that they will be subjected to sex trafficking if they live independently. DFAT is also aware of claims that women have been taken in vans during the curfew hours in order to work in brothels in Cox's Bazar, but is unable to provide any additional information in relation to these claims. In May 2019, police rescued 23 Rohingya girls aged between 15 and 19 who had been brought to Dhaka from Cox's Bazar after having been promised jobs in Malaysia, and who would likely have become victims of forced prostitution. Police arrested four traffickers in relation to the case, including a Rohingya couple, and recovered more than 50 Bangladeshi passports.

3.25 Rohingya can be very difficult to distinguish from local Bangladeshis. Some Rohingya have lived in Bangladesh for decades, and this presents a particular challenge in identifying them through language or cultural differences. Local sources advise that linguistic analysis may be possible especially by locals in Cox's Bazar. Such analysis is an inexact and unreliable method of testing, however, due to language assimilation and the existing similarities of the languages. Some Rohingya also appear visually similar to some indigenous

groups. DFAT understands that Bangladeshi authorities use document verification and interviews with neighbours and other local people when trying to establish if an individual is Rohingya rather than Bangladeshi. They do not rely on appearance or clothing, and while language may be one factor, it is not necessarily solely determinative.

3.26 Information about identification of Rohingya and Rohingya identity documents is provided in [Rohingya Documents](#).

RELIGION

3.27 Bangladesh is a majority Muslim country, with Hindu, Buddhist, Christian, and indigenous religious minorities. The CIA World Factbook reports that around 89 per cent of the population is Muslim. Muslims are almost entirely Sunni, although small Shi'a and Ahmadi minorities exist. About ten per cent of the population is Hindu. The remaining 1 per cent of the population are from other religions, mostly Buddhism and Christianity (both Catholic and Protestant), which are especially prevalent amongst [Indigenous people](#). Religious minorities reside throughout the country in small numbers.

3.28 The Constitution holds that Islam is the state religion but commits the state to ensuring equal status and equal rights for all religion, and specifically mentions Hinduism, Buddhism and Christianity. 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 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 that 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

3.29 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.

3.30 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 there are officially no options for 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, however, that interfaith marriage is uncommon and is generally regarded poorly within society. Muslim couples or the cleric performing the marriage must register the marriage for it to be recognised legally, although many are not registered in this way. Registration for Hindus and other faiths is optional.

3.31 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.

3.32 The *Child Marriage Restraint Act* (2017), introduced in February 2017, allows exceptions to the minimum marriage age, currently set at 18 years for women and 21 years for men. The 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, nor stipulating a minimum age for when marriage can occur. These groups 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 Conversion

3.33 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 are 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.

3.34 NGOs and the domestic media have reported that Islamist groups have forcibly converted non-Muslim indigenous children in the CHT and other rural areas. The reports allege that the groups convince parents to relinquish custody of their children by claiming they will provide the children with a higher quality of education and lifestyle in Dhaka and other developed cities. The groups instead forcibly convert the children to Islam and place them in *madrassahs* 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 nine and 13. DFAT assesses that the claims of forced conversion are credible.

3.35 DFAT assesses that the risk associated with conversion from Islam to Christianity varies according to individual circumstances, particularly when such risk is associated with family objections. Indigenous people who convert often do so in the context of community conversions, which carries a lower risk because Christian organisations are likely to integrate themselves into the communities providing schools, healthcare or other facilities (see also [Christians](#)). A lone convert in a smaller community would be likely to face a greater risk.

Blasphemy/ Defamation of Religion and Atheists

3.36 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) applies similar restrictions to online publications, and was amended in 2013 to further criminalise defamation of religion.

3.37 Religion, particularly Islam, is a central part of Bangladeshi culture and identity. Publicly professed atheism is very uncommon. Islamist organisations have consistently used the pejorative label 'atheist' against individuals who have publicly criticised Islamic fundamentalism or who 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. Such activities peaked in 2013-14, when there were a number of high-profile arrests and prosecutions. In December 2017, immigration authorities detained a blogger at Dhaka airport who had reportedly criticised Islam in his social media posts, leading to protests by hundreds. Authorities reportedly charged the blogger under the ICT Act (see also [Media](#)), a year after the head of an Islamic seminary had filed a case against him. The current status of his case is unclear.

3.38 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. Militants committed a number of high profile murders of alleged ‘atheists’ in 2013-16, focusing in particular on bloggers whose writings were deemed to be ‘un-Islamic’. While there have been arrests and successful prosecutions in some of these cases, others remain unsolved (see [Media](#)).

3.39 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 to 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.

3.40 Under the *Digital Security Act 2018* (DSA, see [Media](#)), the government can inspect and seize communications equipment, including that of bloggers. While these provisions are not necessarily aimed at bloggers who are critical of religion, it is likely that bloggers in general are less likely to express their opinions online and, if they do, they may be targeted or not offered state protection. Islamist bloggers may be similarly affected.

3.41 DFAT assesses that those accused of blasphemy or defamation of religion by Islamist organisations are likely to face legal sanction, which may include 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.

3.42 DFAT assesses that a publicly professed atheist would be subject to a moderate degree of societal discrimination and violence. A person attempting to proselytise atheism would be subject to a high risk of violence and discrimination.

Hindus

3.43 Most Hindus are ethnically and linguistically Bengali, and are not physically distinguishable from the majority Muslim population. Hindus live throughout Bangladesh, including in Dhaka. There are, however, 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.

3.44 The percentage of Hindus in Bangladesh has fallen considerably over time. There have been two mass emigrations of Hindus from Bangladesh (and East Bengal). At the time of Partition, approximately 2.5 million Hindus left then-East Pakistan for India – the 1951 Census indicated a fall in the Hindu population

of 21.4 per cent from the previous Census ten years earlier. The second occurred during the 1971 civil war, when up to 8 million Hindus (70 per cent of the Hindu population of East Pakistan) fled the country and as many as 2.4 million died, including from being deliberately targeted by the Pakistan Army and its local allies. The overwhelming majority of Hindus who have left Bangladesh have gone to India, although small numbers have also gone to western countries.

3.45 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, but local sources told DFAT that that situation is now changing and more Hindus are being recruited.

3.46 Like other minorities, the Hindu community is disproportionately affected by historical and continuing land appropriation ('land grabbing'). 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. However, 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 were denying them even when required documentation was in order, or were classifying properties as state-owned 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.

3.47 In the lead-up to and following the 2014 elections, activists from the Islamist Jamaat-e-Islami party (see [Jamaat-e-Islami \(JI\)](#)) 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. The 2018 election was not characterised by such violence.

3.48 The small-scale localised attacks carried out by Islamist militant groups against minority religious and social groups across the country in 2013-16 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. DFAT is not aware of any subsequent attacks of a similar nature.

3.49 There have been occasional cases of mob violence against Hindu targets. In October 2016, a mob of at least 100 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. Initial media reports suggested Islamists had incited the violence by alleging a 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 planted, most likely as a means to incite the violence. A NCHR investigation concluded that the incident was a pre-planned effort aimed at appropriating Hindu land. Authorities arrested and/or charged more than 1000 people connected to the incident, including a local

police officer, while the AL suspended three local leaders from the party for their involvement. In a separate incident in November 2017, a mob of approximately 20,000 in Rangpur district in northern Bangladesh set fire to and vandalised approximately 30 private homes belonging to Hindus. The violence followed a Facebook posting judged to demean the Prophet Muhammad. A press report stated one person was killed during the incident, and five suffered critical injuries. Police arrested more than 50 in the wake of the attack, and the government pledged to compensate those affected.

3.50 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. DFAT assesses that Hindus face a low risk of societal discrimination in the form of physical violence, particularly around periods of heightened political tensions such as national elections. Hindus also face a risk of physical violence in the form of mob attacks triggered by localised factors, although these are relatively uncommon; and from sporadic attacks by Islamist militants.

Buddhists

3.51 Buddhists are a small minority in Bangladesh, with most Buddhists being indigenous people living in the CHT. As discussed in [Chittagong Hill Tracts \(CHT\) indigenous people](#), disputes between predominantly Muslim Bengali settlers and indigenous groups in the CHT from minority religions occur frequently, particularly over land ownership and usage with Muslim settlers. While some of these disputes may take on religious overtones, DFAT assesses that in most cases religion is a contributing factor rather than a causative one.

3.52 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 and Atheists](#)). 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.

3.53 The Buddhist community in Cox's Bazar has expressed strong concerns that 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 harassment of some Buddhists in Dhaka and elsewhere in relation to the Rohingya issue.

3.54 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

3.55 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. Christians living in and around Dhaka are not easily distinguishable from other Bengalis, although many Catholics have identifiable surnames (often of Portuguese origin). Information about people that convert to Christianity is provided in [Religious Conversion](#).

3.56 No legal or other restrictions prevent Christians from freely practising their faith, and Christians are entitled to equal treatment under the Constitution. 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.

3.57 As noted in [Chittagong Hill Tracts \(CHT\) indigenous people](#) and [Buddhists](#), ethnic and religious issues frequently overlap in the CHT. Disputes between predominantly Muslim Bengali settlers and indigenous groups from minority religions (including Christians) occur frequently, particularly over land ownership and usage. While some of these disputes may take on religious overtones, DFAT assesses that in most cases religion is a contributing factor rather than a causative one.

3.58 Rumours that churches are seeking to convert Muslims, local tensions over interfaith relationships, and news of US-led military activities in or against Muslim countries have all 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.

3.59 The small-scale localised attacks carried out by Islamist militant groups against minority religious and social groups across the country in 2013-16 killed or seriously injured several Christians. Authorities despatched police to protect churches and clergy in response to the attacks, and in response to death threats made by militants. Isolated attacks and threats by militants against Christians continue to be reported, but these claims sometimes lack credibility. For example, in December 2017 a Catholic priest was reported to have been abducted in the northeast, subsequently turned up alive in Sylhet after claiming to have escaped his kidnappers. At a subsequent press conference, police accused the priest of staging the kidnapping, claiming to have CCTV footage of him checking into hotels and riding his own motorcycle during his absence.

3.60 DFAT assesses that Christians face a low risk of societal violence in the form of occasional localised incidents. This risk is higher for Christians who convert from Islam in the context of a lone conversion without the support of their community or family, but the extent of the risk would then depend on individual circumstances. Like other minorities, Christians may face a risk of sporadic attacks from Islamist militants.

POLITICAL OPINION (ACTUAL OR IMPUTED)

3.61 Bangladesh has long had a two-party political system dominated by the [Awami League \(AL\)](#) and the [Bangladesh Nationalist Party \(BNP\)](#). The AL has traditionally been broadly secular, liberal, rural-based and broadly in favour of relations with India, while the BNP has traditionally been more accommodating of political Islam, conservative, and urban-based. The parties do not necessarily strictly adhere to these policy platforms. In recent years, for example, the AL has worked to cultivate close ties with conservative Islamists.

3.62 The relationship between the two parties is characterised by a longstanding political and dynastic rivalry, which has increased over time. 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 and 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.

3.63 Politics in Bangladesh generally centres on political personalities, and social, political and workplace connections, alongside or instead of broader party policies. Political patronage to particular figures is a motivating factor in voting, campaigning and party membership. Similarly, family alliances tend to be very important. Both of the major parties are organised into auxiliary organisations, for example student leagues or women's leagues, sometimes based around particular professions, such as lawyers or doctors (see Political Auxiliary Organisations).

3.64 Being a member of a political party or one of its auxiliary organisations may assist in getting a job (see Employment). There are, however, a very large number of job seekers in Bangladesh, and such membership is unlikely to be the sole determinant of whether or not someone is able to gain employment. Social networks and personality-driven politics are important in Bangladesh. Payment of bribes to secure employment is also common, along with patronage and cronyism.

3.65 DFAT has not seen evidence of forced recruitment to political parties, and considers it unlikely to occur. Parties hold membership campaigns each year, through which parties recruit large numbers of members. According to a 2018 survey by the Asia Foundation, around 80 per cent of Bangladeshis have a limited interest in politics, and those that do are not necessarily members of any party.

3.66 Since independence, the two parties have, for the most part, alternated in the roles of ruling party and opposition. 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 used the state machinery against government opponents while in office.

3.67 Since it came to power in 2008, the AL has considerably restricted the activities of opposition political parties, particularly the BNP and JI (see relevant sections). These restrictions have included:

- using police and other security forces to arrest thousands of opposition political party members and supporters, often in conjunction with political demonstrations;
- using police and other security forces to prevent 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.

3.68 Authorities have also prevented opposition figures from leaving the country. Many, including former BNP Prime Minister 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 and who has spent extended periods in custody.

3.69 While the frequency of political blogging has reduced within Bangladesh, most political blogs about Bangladesh are now written outside the country (see Media). Major political parties have a strong presence abroad, including in Australia. It is unclear whether local party activists based abroad actively monitor social media and/or report back to party headquarters in Bangladesh, but DFAT assesses that this is possible.

3.70 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 relevant sections) 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. Those who are members of opposition political parties and auxiliary organisations but who do not engage in political activities and demonstrations face a lower risk of arrest, although this may vary according to location and timing.

Awami League (AL)

3.71 The AL traces its history to the 1947 partition of India and Pakistan, and emphasises its role in the separation of East Pakistan to become Bangladesh. Its policy platforms include secularism, liberalism, cooperation with India, and rural and agricultural based policies.

3.72 At the top of the party is the Central Committee, known as the Presidium. There are 15 members of the Presidium, including the Prime Minister. The Presidium is part of an 81-person Central Working Party and is supported by an advisory committee of technical advisers. Each district and sub-district (*upazila*) has its own committee. Some also join Political Auxiliary Organisations and rise through the ranks.

3.73 The party holds membership campaigns every year through which people can apply for membership. Applicants are required to pay a fee of about 20 taka (about 30 cents). Once people have joined it takes two years for them to be admitted as full members. People are involved at different levels, including in village politics or in auxiliary committees. There is no official distinction between levels of supporters, but people are commonly involved in different wings of the party and focus on different jurisdictions, such as the village or district level. The party also has overseas wings for the Bangladeshi diaspora, which exist in some major cities in Australia as well as other countries.

3.74 The AL has recently made efforts to increase social inclusion in state institutions, including through increasing the recruitment of minorities into the police and armed forces. Some minority groups in Bangladesh told DFAT that they have experienced less discrimination and violence under the AL in its recent terms in office than they had under earlier AL governments.

3.75 Intra-party violence reportedly occurs regularly, including in the lead-up to the 2018 election and around sub-national elections and student organisation elections. Such violence is usually about disputes over candidate pre-selection or internal disputes between business people. While often described as ‘factional’ violence, the factions may be personality or patronage-based rather than ideologically based. The rate of intra-party violence in the lead-up to the 2018 election was reportedly lower than in previous years. The party has strong disciplinary policies to deal with rogue candidates, and has used these policies on occasion to expel such candidates from the party. People involved in political disputes may be both the victims and perpetrators of violence.

3.76 DFAT assesses that the patronage and personality-based nature of political alliances within the AL, and other disputes between AL members, has the potential to lead to violence. The extent of the violence, whether affecting an AL candidate or their supporters, is dependent on the political and social profile and supporter base of the disappointed candidate.

Bangladesh Nationalist Party (BNP)

3.77 The BNP was founded in 1978 following the assassination of President Mujibur Rahman, and was established on a platform of Bangladeshi nationalism and Islamic identity. At its founding, and at the 2014 election, it cooperated with JI. In the lead-up to the 2018 election, however, BNP attempted to distance itself from JI as a way to demonstrate that it did not support extremist ideology.

3.78 The BNP Standing Committee is the top decision-making body of the party. Various secretaries have responsibility over political portfolios, such as foreign affairs or information, within that body. Various committees at the district and *upazila* level also exist. As with the AL, Political Auxiliary Organisations play an important part in the membership activities at the grassroots of the party.

3.79 Like the AL, the BNP has a large diaspora network and engages strongly with expatriate Bangladeshi citizens and people of Bangladeshi descent living in other countries, including Australia. BNP members who are not Bangladeshi citizens (but who live in diaspora communities) claim that they have had visa applications to visit the country denied. DFAT does not know whether diaspora organisations report back to the domestic party on activities of their local BNP branch.

3.80 BNP figures allege that they have been subjected to enforced disappearance after raids on private homes and party offices (see Enforced or Involuntary Disappearances). While such allegations typically involve houses being raided at night, daylight raids on party offices have also been reported. The BNP claims that authorities have frequently arrested their supporters during protests for alleged criminal damage or assault on police with little supporting evidence, while alleging that violence against BNP supporters perpetrated by AL members occurs with impunity.

3.81 Former BNP Prime Minister Khaleda Zia was convicted and sentenced to five years' imprisonment on graft charges in February 2018, and separately sentenced to seven years' imprisonment for corruption in October 2018. The BNP claims that the charges against Zia are politically motivated and that her treatment while in prison has been in breach of her human rights.

3.82 DFAT assesses that allegations of violence against BNP figures are credible, and that high-profile figures are more likely to be targeted by charges that may be politically motivated. DFAT assesses that any BNP member who actively opposes the AL government may be targeted for criminal charges, especially if they are involved in violent protests.

Jamaat-e-Islami (JI)

3.83 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. JI is committed to the creation of an Islamic state with a *sharia* legal system, and to the removal of 'un-Islamic' laws and practices. The Islami Chhatra Shibir (ICS) is the JI's student wing, and is one of the largest Islamist student organisations in South Asia. ICS is reportedly one of the strongest student fronts in the Universities of Chittagong, Rajshahi, and Jahangirnagar, with a notorious reputation for violence.

3.84 JI strongly supported the Pakistani army during the Liberation War. Five JI leaders convicted by the ICT (see International Crimes Tribunal (ICT)) of war crimes committed during the Liberation War were executed between December 2013 and September 2016 (see Death Penalty). JI has periodically held major strikes and violent demonstrations across the country, particularly against the ICT, which have resulted in large-scale property damage and the deaths of numerous protesters at the hands of security forces. In response to these demonstrations and to militant attacks, authorities have detained thousands of JI members in counter-terrorism operations, including through enforced disappearances (see Enforced or Involuntary Disappearances).

3.85 Authorities have particularly targeted for arrest the JI's senior leadership, few of whom remain free and active. Other targets have included 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.

3.86 JI's size has significantly reduced in recent years in the wake of the mass arrests, with many former JI members joining other parties (including the AL). DFAT understands, however, that despite its reduced size, JI is still well organised and influential in Bangladesh. Many supporters of JI strongly link their religious and political identities, resulting in a deep personal investment in the party. While JI was banned from participation in the 2014 election on the basis of its anti-secular views, some JI members contested a small number of seats in the 2018 election under the banner of the Jatiya Oikya Front (which also included the BNP). DFAT is not aware of any reports of arrests, harassment, or other forms of discrimination against JI members who contested seats under the Jatiya Oikya Front banner.

3.87 People who are perceived as being supporters of JI have reported being followed or intimidated, including when abroad. Some government critics with no affiliation with JI have reported that they have been accused of having such links as a means of attacking their credibility. Journalists also are reportedly reluctant to report on the party (see [Media](#)).

3.88 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. As with other members of opposition parties, JI members may experience fewer employment and business opportunities due to the underground nature of their personal and professional networks and relative lack of influential connections.

Political Auxiliary Organisations

3.89 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 or labourers). These organisations might be known by other names, such as 'fronts', 'wings', 'associates' or 'leagues'. 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.

3.90 The auxiliary organisations support the political parties through fundraising and election-related activities. However, they also play a major role in inter-and intra-party violence. DFAT assesses as credible allegations that members of student wings are sometimes party activists rather than genuine students, and that auxiliary organisations engage in criminal activities on occasion, including violence and extortion. Student elections, like other elections, can turn violent and be characterised by inter-party and intra-party violence in a pattern similar to civic elections. 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.

3.91 In addition to the BCL, other 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 Muktiyoddha 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)

3.92 Bangladesh is historically prone to high levels of politically motivated violence (PMV). Today, PMV manifests 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), between party supporters and law enforcement agencies, and between issues-based, politically motivated protester groups and law enforcement agencies and/or party auxiliary organisations. Fatalities and serious injuries often result from these clashes. PMV tends to peak during periods of heightened political unrest, including during elections, strikes and blockades.

3.93 The number of casualties resulting from PMV varies from year-to-year. In 2018, Odhikar reported that 120 people were killed and 7,051 injured in PMV-related incidents, compared with 77 deaths and 4,635 injuries in 2017 and 215 deaths and 9,053 injuries in 2016. The January 2014 national elections were the most violent in Bangladesh's history, with months of PMV leaving hundreds dead and thousands injured across the country. As was the case in 2015, 2016, and 2018, local government and council elections in March 2019 continued to be marred by high levels of PMV. The period leading up to the December 2018 national elections was also marked with some violence, primarily of an inter-party nature, but PMV-related deaths and casualties were significantly down and the aftermath was relatively peaceful compared with the national elections held five years earlier.

3.94 Intra-party violence has become far more common than inter-party violence, particularly between AL factions and individuals. In 2018, Odhikar documented 281 cases of AL intra-party violence resulting in 53 fatalities and 3,225 injuries, but only 14 cases of BNP intra-party violence resulting in three deaths and 115 injuries. These figures were roughly equivalent to those of preceding years. DFAT understands that the high frequency and intense nature of AL intra-party violence can be attributed to the party's control over state institutions in recent times. This domination has led to competition between rival AL factions and individuals for pre-selection as electoral candidates, and therefore access to, and influence on, processes and outcomes of lucrative contracts, tenders and appointments to senior party positions.

Protestors and Street Demonstrations

3.95 The August 2018 'Road Safety Movement' saw widespread protests across the country. While the initial spark had been the number of road safety-related deaths, the largely spontaneous protests evolved into demonstrations against a wide range of grievances. Authorities reportedly used tear gas and rubber bullets against protestors. Many demonstrators were reportedly beaten, arrested, and/or charged under national security laws. There have been reports of enforced disappearances in connection with the protests (see [Enforced or Involuntary Disappearances](#)).

3.96 In-country sources report that police closely monitor protests related to labour disputes, especially in garment factories. This monitoring has had the effect of reducing the number and scale of such protests, although they do occur on occasion (see following section). DFAT is aware of reports of enforced disappearance in connection with people protesting factory conditions (see [Enforced or Involuntary Disappearances](#)).

GROUPS OF INTEREST

Civil Society Organisations (CSOs)

3.97 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 Social Welfare. The NGO Affairs Bureau, which sits within the Office of the Prime Minister, facilitates the activities of CSOs in the country.

3.98 CSOs working on sensitive topics or groups (including religious issues, human rights, indigenous people, sexual or gender diverse people, Rohingya refugees, corruption, and workers' rights) have reported an increasing level of formal and informal government restrictions in recent years. These restrictions have included bureaucratic obstacles in the form of repeated audits or delayed approvals by the National Board of Revenue, legal harassment under the ICT Act and/or the DSA (see [Media](#)) and the temporary freezing of bank accounts, overt monitoring by intelligence agencies, and the 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 of any NGO involved in 'anti-state activities'. CSOs working on human rights cases have continued to criticise the government. Some CSOs have reported, however, that these actions by authorities have created an atmosphere of fear and intimidation, leading to greater levels of self-censorship.

3.99 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 has the power to impose sanctions, including heavy fines and closure for those in breach of the Act. Some CSOs have claimed that the Bureau has discouraged them from pursuing rights-based awareness training and capacity-building activities, encouraging them instead to focus on service delivery.

3.100 CSOs advocating for labour rights and better working conditions, particularly in the garment industry, have reportedly faced increased harassment over the past few years, including through physical intimidation, arbitrary arrest, and torture. While legislative reforms in 2015 have simplified procedures for forming labour unions, union leaders and activists attempting to organise or unionise workers continue to face dismissal or physical intimidation. In January 2019, police used water cannon and tear gas to disperse thousands of garment workers striking over low wages. Media reports suggested at least one death and numerous injuries occurred during the protests. Labour unions claimed that at least 7,500 workers were subsequently dismissed from their jobs, many as a result of broad and vague allegations.

3.101 DFAT assesses that CSOs working on sensitive topics or groups (as outlined in 3.98) face a low risk of official discrimination in the form of bureaucratic harassment (as described), monitoring by intelligence agencies, threats and intimidation, and possible arrest. This assessment is higher for CSOs working on labour rights, and for those who openly criticise the government.

Media

3.102 Article 39 of the Constitution guarantees the right of freedom of speech and expression subject to 'reasonable restrictions', which are outlined in several laws. 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 *Digital Security Act* (2018, DSA) was passed in September 2018, replacing the *Information and Communication Technology Act* (2013, ICT Act). The DSA gives authorities the power to review digital communications, including on social media and closed-source platforms, and criminalises various types of online speech, ranging from defamatory messages to speech that 'injures religious values or sentiments'. Maximum penalties under the DSA 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. Authorities have used the DSA and the earlier ICT Act against both street protest organisers and against journalists covering these protests. The DSA permits law enforcement agencies to arrest and indefinitely detain suspects without bail, and imposes no limit on officials' power during the investigatory period. In its 2019 Freedom in the World report, Freedom House rated Bangladesh's media 'Not Free'.

3.103 Bangladesh has a wide variety of traditional and electronic media. Media outlets tend to align themselves with one or another of the main political factions. A large number of private television networks exist alongside a nationwide public broadcaster. 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 DFAT considers credible 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. There is a range of Bengali and English language newspapers that are diverse, outspoken, and privately owned. Low literacy rates in rural areas limit the reach of newspapers outside urban centres.

3.104 The number of online news outlets has increased dramatically in recent years, as has the use of social-networking websites. The percentage of Bangladeshis who are internet users is steadily rising, although the actual prevalence is unclear. Although no statistics are available, the higher concentration of economic activities and critical infrastructure in urban areas indicates that there are likely to be more internet users in cities. 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. The DSA has given the government significant powers to investigate information held by journalists, including their digital records and communications, including social media and closed-source communications. Journalists are reportedly now more likely to use encrypted apps such as Signal in order to communicate to circumvent the DSA's provisions.

3.105 A media licence is required to operate a public television channel, and DFAT is aware of reports of government pressure being applied to licence holders who present anti-government views. International observers report that non-government broadcasters are required to broadcast government content and are not remunerated for this service. Authorities have on occasion refused journalists who have criticised the government access to events with the Prime Minister, and have threatened with closure media outlets perceived as hostile. 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.

3.106 There have been numerous instances in which traditional and social media have been blocked. For example, authorities blocked 54 news websites in the weeks leading up to the December 2018 election on national security grounds, accusing the websites of spreading ‘anti-government propaganda and fake news’. The list of blocked websites included a number of well-credentialed news channels.

3.107 Section 499 of the Penal Code criminalises defamation. Defamation charges are commonly brought against journalists and others who criticise the government. In March 2019, authorities arrested a senior Bangladeshi member of football’s world governing body after she said on a televised talk show that the Prime Minister was neglecting football. Sedition laws can also 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.

3.108 There have been a number of legal cases against individual journalists in recent years, notably against those at mainstream outlets:

- In February 2016, the editor of the *Daily Star* was served with 67 defamation and 16 sedition lawsuits, mostly lodged by AL members, after he admitted to publishing unsubstantiated information about the Prime Minister. The lawsuits were lodged in districts nationwide, thus requiring the editor to spend weeks travelling across the country to make bail applications. While the High Court dismissed two of the cases, the remainder are unresolved and could be reactivated at any time.
- In August 2018, a prominent photojournalist was arrested under the provisions of the DSA for making ‘false’ and ‘provocative’ statements on Al-Jazeera and on Facebook about the Road Safety Protests (see Politically Motivated Violence (PMV))

3.109 Bangladesh is historically prone to high levels of politically motivated violence (PMV). Today, PMV manifests 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), between party supporters and law enforcement agencies, and between issues-based, politically motivated protester groups and law enforcement agencies and/or party auxiliary organisations. Fatalities and serious injuries often result from these clashes. PMV tends to peak during periods of heightened political unrest, including during elections, strikes and blockades.

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- Protestors and Street Demonstrations). He was released on bail in December 2018, and his case is ongoing.
- Authorities charged a reporter for the *Dhaka Tribune* newspaper and the *Bangla Tribune* news website with offences under the DSA for calling the legitimacy of the December 2018 election into question by pointing out irregularities in the vote count. Another journalist who reported the same irregularity went into hiding after the same charge was brought against him. If convicted, the two journalists face up to 14 years' imprisonment.

3.112 Local sources report that journalists face a continuing risk of threats and retaliatory violence from a range of actors in relation to their reporting, including criminal organisations, party activists, business owners, figures associated with the intelligence services, police and military, and Islamist militants. Some of these attacks have proved fatal. In February 2017, an AL official fatally shot a journalist who was covering clashes between rival AL factions in the northwestern 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. There is a general environment of impunity for threats and attacks against journalists, with most attacks going unprosecuted.

3.113 Between 2013 and 2016, at least ten bloggers were murdered in apparent retaliation for their activism (including the editor of Bangladesh's only magazine for sexual or gender diverse people, see [Sexual Orientation and Gender Identity](#)). Most of the murders remain unsolved. DFAT understands that police have told bloggers that protection is not available or guaranteed, and that most bloggers who still seek to comment on sensitive issues in Bangladesh now do so from outside the country. While there have been numerous cases in which bloggers have faced legal sanction in relation to their writing, the significant reduction in the prevalence of blogging means such cases are now rare.

3.114 A number of journalists attempting to cover the December 2018 election campaign suffered physical attacks, including:

- an attack in a hotel in Nawaganj on 25 December by masked men using batons and hockey sticks on a group of journalists who had been covering an election rally;
- the beating of a Daily Star journalist who had taken photographs outside a Dhaka polling booth on election day by five men wearing AL badges;
- the beating of a Cvoice24 journalist who attempted to enter a polling centre in Chattogram on election day; and
- an attack by several men on a journalist with a Bengali language newspaper who was trying to film near a polling site in Dhaka, resulting in the journalist's hospitalisation.

DFAT is also aware of allegations of female journalists reporting on the August 2018 Road Safety Movement being attacked by unknown perpetrators, variously described as 'thugs' or government agents.

3.115 In-country sources report that the threat of legal action and/or physical attack has led many Bangladeshi journalists to practise self-censorship in their reporting, particularly when covering sensitive topics. Government officials have reportedly encouraged this practice. This self-censorship was particularly evident in the lead-up to and in the period following the December 2018 election. DFAT understands that self-censorship is particularly prevalent amongst the few remaining Bangladesh-based bloggers.

3.116 DFAT assesses that journalists attempting to report on the military, judiciary and religious affairs, or whose reporting is critical of the government, face a high risk of both official and societal discrimination. They are likely to feel pressured to self-censor their reporting to avoid the risk of legal sanction, arrest, threats, harassment and physical violence. DFAT assesses that bloggers who attempt to comment on sensitive issues from within the country also face a high risk of both official and societal discrimination, which may include legal sanction and/or violence.

Women

3.117 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. Bangladesh has had two female Prime Ministers, including the incumbent, although this is not representative of the position of women in Bangladeshi political parties or society more generally. 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 only at the worker, not management, levels).

3.118 While women participate in all areas of Bangladeshi society, longstanding societal, cultural and religious attitudes continue to place limits on the extent of that participation. A 2018 survey conducted by the Asia Foundation on the attitudes of Bangladeshis towards democracy found that 60 per cent thought parliament should have only or mostly male representatives (73 per cent of men and 47 per cent of women respondents). 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.

3.119 Despite legal prohibitions, rape, sexual harassment and other forms of gender-based violence against women occur frequently. Human rights NGO Odhikar documented 619 rape cases from 1 January to 30 November 2018, although these figures are likely to understate actual occurrence. Rape within marriage is not a crime, and spousal rape is considered culturally acceptable.. 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.

3.120 Women often do not report violent crimes, including rape, to police. Local sources told DFAT that attempts to report to police may not be taken seriously. Police reportedly often do not record crimes, or do so in a manner that obscures their true nature: for example, police may record rape as a 'dowry-related matter'. Obtaining medical evidence of sexual assault is also difficult and police are likely to demand bribes for accepting reports. DFAT is aware of unverified claims that rape has been used in politically motivated violence.

3.121 The *Domestic Violence (Prevention and Protection) Act* (2010) criminalises domestic violence, providing for a punishment of up to six months' imprisonment for a first offence or two years' imprisonment for repeated offences. The law is not effectively enforced, however, and domestic violence is widespread. According to a 2015 survey conducted by the Bangladesh Bureau of Statistics, 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. Almost three-quarters of women who had experienced partner violence had never reported their experience to others. Reasons for non-action included lack of access to social services, concern about family honour, fear of the perpetrator, and shame or embarrassment.

3.122 While the government operates a confidential helpline for reporting abuse, local NGOs report that very few Bangladeshi women are aware of the service. The number of women's shelters and legal aid services nationwide remains inadequate compared to the need, and 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 are women residing elsewhere in the country.

3.123 NGOs report that general violence against women also occurs frequently, particularly in relation to disputes over dowries. Odhikar reported 135 cases of dowry-related violence against women from 1 January to 30 November 2018, compared with 240 cases in the same period in 2017. Acid attacks against women remain a particular problem, although the number of reported cases has reduced in recent years. Odhikar reported 26 acid attacks against women from 1 January to 30 November 2018, compared with 51 cases in the same period in 2017. 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.

3.124 A 2009 High Court guideline prohibits sexual harassment, known euphemistically (and inaccurately) as 'Eve-teasing', in both private and public areas. The High Court's guideline includes requirements to form complaints committees and install complaints boxes at educational institutions and workplaces. Activists report, however, that enforcement and monitoring of the guideline is rarely enforced, and that women commonly experienced sexual harassment. Although women's seats on buses have been introduced in Dhaka to accommodate the relatively recent phenomenon of women commuting to work, groping is common on crowded transport. Women have also been sexually harassed and raped at their workplaces, particularly in garment factories. In many cases, fear of experiencing sexual harassment reportedly prevents women and girls from attending work or school.

3.125 Although Islamic clothing and head coverings (*hijab*) are not as commonly associated with Bangladesh as with other Muslim countries, Bangladeshi women are reportedly increasingly choosing to wear *hijab* because they believe that it reduces the risk of harassment and violence. A police source reported that at least 1,139 women and children were subjected to physical and sexual harassment over a three-month period in early 2019, although this figure likely understates considerably the true number. Both women and men who have challenged sexual harassment and abuse have been physically assaulted. In one particularly egregious case in April 2019, fellow students doused with kerosene and set on fire a female student at a *madrasah* who had filed a sexual harassment case against the school's principal. The attacked student died five days later.

3.126 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, although girls as young as 12 may be forced to marry. According to human rights observers, a wide range of social, cultural and economic factors drives these high rates of early marriage. Girls and women are generally less valued in families and communities, and keeping girls safe can represent a burden. Child marriage may be used as a coping mechanism for poverty, including in Rohingya communities where feeding and clothing girls is seen as stretch on tight resources. 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.

3.127 There is significant social stigma against single women. Most Bangladeshi women are married very young, and being single by choice is virtually unheard of. Remarriage in the case of widowhood or divorce is often considered socially unacceptable.

3.128 DFAT assesses that most Bangladeshi women and girls, regardless of their religious community or socio-economic status, face persistent societal discrimination and a high risk of gender-based violence and

sexual harassment. Longstanding traditional values and gender roles continue to restrict the participation of women in the workforce and community. Girls face a moderate risk of being subjected to early marriage.

Sexual Orientation and Gender Identity

3.129 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. Male homosexuality remains a strong societal taboo, while there is a general lack of societal awareness of lesbianism. Human rights observers report that the overwhelming majority of gay or lesbian Bangladeshis prefer to keep their sexual orientation or gender identity a private matter. There is considerable familial and societal pressure on both gay men and lesbians to enter into heterosexual marriages and have children. The male partner in Bangladeshi marriages generally exercises considerable social control and 'protection' over the female partner, which restricts the ability of lesbians in such relationships to make contact with other women. This is particularly the case given women in Bangladesh tend to marry at a young age, and their husbands tend to be older than they are. DFAT assesses that it would be extremely difficult in practice to live in a publicly acknowledged homosexual relationship for members of either sex.

3.130 There are no laws specifically protecting lesbian, gay, bisexual, transgender, or intersex (LGBTI) people from discrimination, violence, or harassment, and DFAT is not aware of any moves to introduce such laws. The government first acknowledged the existence of homosexuality in Bangladesh in its April 2013 Universal Periodic Review (UPR) at the UN Human Rights Council, having stated in its 2009 UPR that there were no gay or lesbian individuals in the country.

3.131 The ability of LGBTI individuals and organisations to exist and operate freely and openly has tightened considerably in recent years. Although a 'Rainbow Rally' LGBTI rights parade held during the Bengali New Year in April 2015 was both high profile and well attended, organisers planning a follow-up event 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 activist Xulhaz Munnan, the founder of Bangladesh's only LGBTI magazine, in his apartment, along with a friend (see also [Media](#)). Officials commenting on the murders of the two men blamed the crime on Munnan's activism: the Minister for Home Affairs, for example, declared that Munnan was 'writing in favour of unnatural sex, which is tantamount to a criminal offence'. Munnan's murder remains unsolved.

3.132 Following the Munnan case, 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. DFAT understands that many formerly prominent activists have left the country, depriving the community of leadership. This has resulted in severely weakened visibility, advocacy, and support networks for LGBTI persons. DFAT is unaware of any further high-profile attacks committed against LGBTI individuals. This is more likely, however, to reflect the fact that the community continues to keep a very low profile, rather than being the result of greater social support towards them.

3.133 Official attitudes towards the LGBTI community remain negative. Although the murders of Munnan and his friend were two of the most high-profile murder cases in Bangladesh, the case received almost no press coverage on the first anniversary of their deaths. An editor of a leading English language newspaper reportedly told activists that they had received official instruction not to publish articles on homosexuality. In May 2017, the Rapid Action Battalion (RAB, 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.

3.134 While actual prosecutions are rare under Article 377, human rights groups report that police have used its existence as a means to harass men considered effeminate, regardless of their actual sexual orientation. This harassment includes using the threat of arrest as leverage to extort bribes from individuals, and as a means to limit registration of lesbian, gay, bisexual, transgender, or intersex (LGBTI) organisations. The level and frequency of harassment depends largely on an individual's socio-economic status and geographic location. In-country sources report that police have increasingly targeted 'gay beats' (places where men meet for anonymous sex), which has reduced the prevalence of that practice. Gay men in general report that they are unable to seek police assistance when they are victims of crime given the likelihood that police will target them for violence or extortion.

3.135 DFAT is not aware of any cases in which criminal prosecutions have been brought against lesbians in relation to their sexual identity, nor any cases in which lesbians have been physically attacked or discriminated against on this basis. The general lack of societal awareness about lesbianism leads to social invisibility, and information about lesbians in Bangladesh is difficult to obtain. Lesbians are unlikely to be open about their sexual identity, as doing so would make them highly vulnerable to societal violence, including physical attack. DFAT is not aware of any pattern of official discrimination and violence against LGBTI women, but considers that the risk of such treatment should not be discounted. In-country sources report that although there are no public social gatherings to allow lesbians to meet each other, a telephone helpline does exist. In addition, some lesbians may communicate with each other using encrypted messaging services or social media.

3.136 NGOs report that LGBTI individuals (gay men in particular) occasionally use a complex system of slang known as *ulti* to avoid cultural taboos prohibiting open discussion of LGBTI issues. This slang includes various euphemisms that may be used as LGBTI issues are poorly understood and English words to describe LGBTI issues may not have equivalents in Bengali. Highly educated and wealthy LGBTI people are most likely to understand these words and concepts.

3.137 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 prostitution. Acceptance of *hijra* family members among relatives is generally low, and they lack inheritance rights under *sharia* provisions governing personal status matters. *Hijras* are vulnerable to violence from both the community and law enforcement.

3.138 In January 2014, the government announced the recognition of a third gender category for *hijra*, which ostensibly offered them improved access to education, health and housing services. However, the announcement did not 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 *hijra* into formal employment. For example, in December 2014 a number of *hijra* 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 *hijra* 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 *hijra* reported increased harassment by their neighbours and the public and increased economic hardship as a result. In-country sources report that further difficulties were caused by the government’s decision to categorise *hijra* as a disability category, which further stigmatised them.

3.139 There is little information available about non-*hijra* transgender individuals. The word ‘transgender’ does not have a direct Bengali equivalent, and the term *hijra* may be used to describe non-*hijra* transgender people. An October 2017 Human Rights Watch (HRW) report based on interviews with six transgender men (born female) found that the group had all experienced bullying, barriers to employment, difficulty accessing health care, and harassment and verbal abuse in both public and private spaces.

3.140 DFAT assesses that self-identified LGBTI individuals (including non-*hijra* transgender individuals), or those perceived to be so, face a high risk of societal discrimination that may include physical violence, regardless of their geographic locations and socio-economic circumstances. Most LGBTI individuals would therefore be very unlikely to be open about their sexuality or gender identity, in order to reduce this risk. 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 discrimination, threats, or attacks against them. DFAT assesses that although *hijra* have a more accepted place in Bangladeshi society than other LGBTI individuals do, they face a moderate risk of official discrimination in the form of bureaucratic uncertainty and a moderate risk of societal discrimination in that traditional values and gender roles continue to restrict their full participation in the workplace and community.

Children

3.141 Child labour is a pervasive problem in Bangladesh. The government reported in 2013 that there were 4.7 million child labourers in the country, more than 1.3 million of whom were engaged in hazardous work. These numbers are unlikely to have reduced significantly in subsequent years. Although the legal age to work in Bangladesh is 14 years, UNICEF estimates that over 90 per cent of child labourers in Bangladesh are employed by the informal sector, small factories and workshops and domestic employment, and it is impossible to determine the average age of these workers. Many Bangladeshi children work to supplement family incomes, creating a cheap, uneducated labour supply ready to engage in the unskilled, informal labour sector. These children are largely deprived of the opportunity to access education.

3.142 The ready-made garment sector continues to employ a large number of children, particularly girls. Since the Rana Plaza building collapse in 2012, donors, international clothing brands, and the Bangladesh Garments Manufacturers and Exporters Association have worked with the Government to deliver improvements in factory safety and conditions, including through banning child labour. In-country sources report, however, that while these reforms were important and necessary, the ban has simply shifted child labour into the informal sector (hundreds of smaller, unregulated factories that are sub-contracted to the large factories). Girls comprise an estimated 80 per cent of employees of these smaller factories.

3.143 Female children also comprise the majority (three-quarters) of child domestic workers in Bangladesh. Domestic workers commonly work seven days a week and 90 per cent reside at their employer's homes, where their mobility is often restricted and they are at greater risk of economic exploitation and physical abuse, including sexual harassment and assault. UNICEF has reported a direct correlation between girls in informal domestic work and girls who end up in sex work in Bangladesh. Boys are also at high risk of child labour in Bangladesh, highly represented in the more hazardous occupations - welding, metal workshops, and tobacco factories. Many children also work as street vendors.

3.144 The government has committed to ending child labour by 2025, and to ending hazardous child labour by 2021. Government efforts to date have focused on improving legal and regulatory frameworks to

address child labour, including ratifying the International Labor Organization *Convention on the Worst Form of Child Labour* and extending national legislation to address hazardous child labour. While these efforts have focused on the formal sector, a major challenge facing the government is the enormity of work required to reform Bangladesh's informal sectors, which span the majority of all industries and sectors. In September 2018, the Government introduced an amendment to the *Labour Act* which proposed a total ban on child labour, introduced monetary fines and increased the minimum age for 'light work' from 12 to 14 years. These amendments were targeted at the informal sector, the small factories and workshops and domestic employment that is notoriously hard to regulate.

3.145 NGOs report that the trafficking of children for sexual purposes is also prevalent (see also [People who identify as Rohingya \(Rohingya\)](#)). Traffickers – often relatives, or persons known to the family – reportedly lure many children from their homes with promises of work or a better life, including through offering false marriage or job opportunities. Most trafficking cases are domestic, with a high portion of children moving or being moved from rural to urban areas. According to NGOs, however, around 20,000 Bangladeshi children annually are also trafficked into India and Pakistan, many of whom end up the victims of sexual exploitation.

3.146 DFAT does not have any information to suggest that primary or secondary age children are involved in political activity in any systemic way. DFAT is aware of claims that some children are on terrorist watch lists, but is unable to provide any further information in relation to this claim.

3.147 Notwithstanding government commitments to ending child labour, DFAT assesses that children, both boys and girls, remain highly vulnerable to exploitation in the form of child labour or trafficking. This applies particularly to children from poor communities.

Victims of Usury and Loan Sharks

3.148 Many Bangladeshis do not have access to formal banking facilities, and resort instead to borrowing from informal lenders. Some development NGOs offer reputable microfinance facilities to the very poor, but these opportunities are highly limited. Other informal lenders may be exploitative, and borrowers may be trapped into a complex debt cycle of paying interest on one small loan with further loans. This practice may amount to loan sharking.

3.149 People who do not have some means of capital or repayment are unlikely to be lent money, including by loan sharks. Disputes over informal loans are unlikely to be brought before Bangladeshi courts, and are highly unlikely to be dealt with swiftly should they arrive there. This leaves both debtors and lenders few avenues of redress, which could potentially lead to violence.

3.150 In-country sources advise that informal lenders consider as capital the potential to migrate abroad and to subsequently send back remittances. Informal money lending is therefore particularly associated with migration. Many individuals reportedly borrow money to pay 'middlemen' who may be travel agents, people who organise employment, or people smugglers. Those intending to migrate (including to Australia) may obtain various loans in small amounts of money from different sources, including extended family and other members of the community. Amounts paid to middlemen can range from the equivalent of several thousand dollars to tens of thousands of dollars, depending on the intermediary used and the destination. If that person's attempts to migrate and send sufficient remittances to cover the debt are unsuccessful and the person returns to Bangladesh without having sent back sufficient remittances (for example, a failed asylum seeker), aggressive attempts to recover the money may be made. However, DFAT understands that lenders are more likely to loan more money to fund a further attempt to migrate than they are to use violence to recover the debt.

3.151 DFAT is aware of sporadic reports that Bangladeshi workers abroad have been subjected to forced labour or torture until their debts are repaid. DFAT is unable to comment on the veracity of such claims.

3.152 DFAT assesses that the very poor are at risk of being targeted by loan sharks, but is not aware of a pattern of violence associated with that practice. Prospective migrants are likely to borrow money that they may be unable to pay back, but DFAT is not aware of a pattern of violence associated with that practice.

4. COMPLEMENTARY PROTECTION CLAIMS

ARBITRARY DEPRIVATION OF LIFE

Extra-Judicial Killings

4.1 International and local rights groups report that extra-judicial killings committed by government security forces occur frequently in Bangladesh. In April 2017, the UN Human Rights Committee expressed concern at the high rate of extra-judicial 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 Human rights groups report that many suspicious deaths have occurred during raids, arrests, and other law enforcement operations in what authorities have described as 'crossfire'. Officials and the media use this term 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 456 extra-judicial killings from 1 January to 30 November 2018, 449 of which were 'crossfire' incidents.

4.3 DFAT is aware of claims that authorities have committed extra-judicial killings against drug users and traffickers. Data on the issue is difficult to obtain as the matter is highly sensitive, and media and NGOs are often reluctant to report on the issue. An anti-drug campaign in mid-2018 reportedly resulted in the deaths of at least 130 people in alleged extra-judicial killings, although some estimates place the number much higher. Although some commentators have claimed that the timing of the anti-drug campaign was politically motivated, occurring in the period before the December 2018 election, this claim has not been conclusively substantiated. DFAT is not aware of any further campaigns against drug dealers in which extra-judicial killings are alleged to have occurred.

Enforced or Involuntary Disappearances

4.4 Bangladesh is not a signatory to the *Convention for the Protection of All Persons from Disappearance* (CED). International and local rights groups both report that enforced and involuntary disappearances occur frequently in Bangladesh. 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.

4.5 While disappearances particularly target individuals associated with opposition political parties, they have also been alleged in relation to journalists and activists (see relevant sections). Disappearances reportedly occur mostly at night, but may be related to arrests that are made during daylight and in public places. Plain clothes police officers, often from the RAB (see [Police](#)), are often accused of propagating disappearances. Disappearances may be related to a range of matters, but local sources claim that they often occur in relation to the DSA and other ICT legislation (see [Media](#)).

4.6 HRW alleged in July 2017 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 alleged that many of those forcibly disappeared were subjected to severe torture and ill-treatment while in secret custody.

4.7 BNP leaders claim that the rate of enforced disappearance increased in the lead-up to the 2018 election. BNP leaders claim that authorities mounted a campaign of disappearances to humiliate senior leaders, and to intimidate other BNP members and discourage them from publicly supporting the party. DFAT is unable to comment on the veracity of such claims.

Deaths in Custody

4.8 The *Torture and Custodial Death (Prevention) Act* (2013) provides for sentences of life imprisonment or a fine of TK100,000 (AUD1,600) for the perpetrator in the event of a custodial death taking place. Notwithstanding this legal provision, custodial deaths occur frequently. Odhikar documented 64 custodial deaths between 1 January and 30 November 2018. 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

4.9 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 over a thousand people on death row. Very few of these sentences are ever actually carried out, however, and Amnesty International reported that Bangladesh did not conduct any executions in 2018. 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. DFAT understands that death sentences can be handed down in absentia, that is, where the person facing the death penalty is not in court. Amnesty International reported that some death sentences were commuted to prison terms or pardons in 2018.

TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

4.10 As noted in [Human Rights Framework](#), Bangladesh is a state party to CAT but not to CAT-OP. Article 35(5) of the Constitution prohibits torture and cruel, inhuman or degrading punishment. 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.

4.11 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 in-country sources, torture is so endemic that there is an assumption that once a person is arrested he or she will be tortured, and that detainees are certain to face torture unless there are exceptional reasons why they would not, such as the torture attracting wider attention.

4.12 Human rights groups report that methods of physical torture used by authorities 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. Male victims of rape committed by state authorities may refer to that crime as ‘torture’ and be reluctant to provide further details for cultural reasons, including a taboo on homosexuality (see [Sexual Orientation and Gender Identity](#)).

4.13 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 Human Rights Committee’s Working Group on Business and 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. It is unclear whether any action has been taken in relation to the officials’ request.

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

Arbitrary Arrest and Detention

4.15 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. However, clauses 3 and 4 state that the above does 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.

4.16 The US State Department’s 2018 Human Rights Report on Bangladesh documented large numbers of arbitrary arrests. Such arrests often occurred in conjunction with political demonstrations, such as protests related to garment factory conditions or road safety (see [Politically Motivated Violence \(PMV\)](#))

4.17 Bangladesh is historically prone to high levels of politically motivated violence (PMV). Today, PMV manifests 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), between party supporters and law enforcement agencies, and between issues-based, politically motivated protester groups and law enforcement agencies and/or party auxiliary organisations. Fatalities and serious injuries often result from

these clashes. PMV tends to peak during periods of heightened political unrest, including during elections, strikes and blockades.

4.18 The number of casualties resulting from PMV varies from year-to-year. In 2018, Odhikar reported that 120 people were killed and 7,051 injured in PMV-related incidents, compared with 77 deaths and 4,635 injuries in 2017 and 215 deaths and 9,053 injuries in 2016. The January 2014 national elections were the most violent in Bangladesh's history, with months of PMV leaving hundreds dead and thousands injured across the country. As was the case in 2015, 2016, and 2018, local government and council elections in March 2019 continued to be marred by high levels of PMV. The period leading up to the December 2018 national elections was also marked with some violence, primarily of an inter-party nature, but PMV-related deaths and casualties were significantly down and the aftermath was relatively peaceful compared with the national elections held five years earlier.

4.19 Intra-party violence has become far more common than inter-party violence, particularly between AL factions and individuals. In 2018, Odhikar documented 281 cases of AL intra-party violence resulting in 53 fatalities and 3,225 injuries, but only 14 cases of BNP intra-party violence resulting in three deaths and 115 injuries. These figures were roughly equivalent to those of preceding years. DFAT understands that the high frequency and intense nature of AL intra-party violence can be attributed to the party's control over state institutions in recent times. This domination has led to competition between rival AL factions and individuals for pre-selection as electoral candidates, and therefore access to, and influence on, processes and outcomes of lucrative contracts, tenders and appointments to senior party positions.

4.20 Protestors and Street Demonstrations) or as part of security force responses to terrorist activity. The State Department report also noted that the government held persons in detention without specific charges, sometimes in an attempt to collect information about other suspects. Human rights organisations and other observers have claimed that police use arbitrary arrests as a means to raise money through bribes and bail from arrested individuals, as well as to intimidate members of political opposition groups.

4.21 Groups more likely to be at greater risk of arbitrary arrests include leaders and members of opposition political groups, particularly the BNP, and undocumented Rohingya who have integrated with residents outside the Cox's Bazar camps. Furthermore, Rohingya may be reluctant to engage with the courts to fight arbitrary arrests and charges because of their lack of official status.

Corporal Punishment

4.22 Corporal punishment remains lawful as a sentence for crime for males, including juveniles, under a number of colonial era and 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.

4.23 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)). However, 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 some state institutions 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, can be heavily politicised, under-resourced, and subject to corruption. DFAT assesses that victims of abuse have limited 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 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](#)). In-country sources report that the military is a highly politicised organisation. 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 [Chittagong Hill Tracts \(CHT\) indigenous people](#)).

Police

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

5.5 Professionalism varies across the police. The national system of policing can be effective, and the force has often demonstrated an ability to track down suspects across the country. Political and bureaucratic interference is a significant impediment to police efficiency, however. 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. Police systems are heavily bureaucratic. 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](#) and [Prevalence of Fraud](#)). The US State Department has consistently reported that public distrust of police and security services deters many Bangladeshis from approaching government forces to seek assistance or to report criminal incidents.

5.6 Human rights organisations have expressed concern over persistent use of excessive 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 the Supreme Court and subordinate courts including the High Court and district and local courts and tribunals. The Supreme Court comprises 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) those dealing with income tax, administrative, election, and public safety issues.

5.8 The court system faces a number of major challenges. Case backlogs are a particular problem: in April 2019, the Chief Justice reported that there were over half a million cases pending in the Supreme Court alone, and that the case backlog had reached a critical point. The problem of case backlog is greater at lower levels, and has been exacerbated further by the large number of cases brought in relation to the 2018 campaign against drugs (see also [Extra-Judicial Killings](#)). In some cases, the length of pre-trial detention for accused persons has equalled or exceeded the maximum sentence for the alleged crime. Vexatious defendants may use this process by introducing continuous interlocutory applications to delay processes indefinitely. 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.

5.9 Corruption and politicisation are significant issues for the judiciary. Human rights observers report that, in many cases, magistrates, attorneys, and court officials have demanded bribes from defendants, or their decisions have been influenced by their loyalty to political patronage networks. Judges who rule against the government reportedly risk transfer to other jurisdictions.

5.10 In-country sources report that the very poor are unlikely to be able to access justice through the court system due to the high costs involved in litigation and the need to pay bribes to various court officials. 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 in 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.

5.11 Courts are largely paper based and bureaucracy is slow, requiring papers to be physically moved between officers or buildings, a process that also attracts demands for bribes for each movement of documents. Court infrastructure (buildings, equipment), especially of lower courts, is generally poor,

resulting in poor storage and access to records. Higher courts may have well-qualified judges, but lower courts are less likely to apply the law fairly or consistently.

5.12 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 judgment, 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 that 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 2017 and subsequently left the country. The Law Minister later accused the Chief Justice of attempting to stage a 'judicial coup'.

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

International Crimes Tribunal (ICT)

5.14 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.

5.15 Local contacts say the ICT enjoys broad public support in Bangladesh because of the collective memory of atrocities committed during the 1971 civil war. However, local and international human rights organisations have consistently raised concerns that trial proceedings have not followed international fair trial standards. HRW, for example, 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.'

5.16 DFAT concurs with the assessment of human rights groups that the ICT proceedings fall short of international fair trial standards.

Traditional/Informal Justice Mechanisms (Village Courts)

5.17 There are around 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 or customary 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.

Detention and Prison

5.18 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 of 88,424 people in August 2018. Of these, 78.2 per cent were pre-trial detainees or on remand, about 241 per cent of official capacity, and 3.8 per cent of prisoners were female.

5.19 Human rights groups report that living and sanitation conditions in most Bangladeshi 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 2018 Human Rights Report stated that prisoners reported having to pay exorbitant fees for food, bathing and toilet use, places to sleep, and other services, with authorities levying additional fees for visits with family members. Prisoners do not have direct access to lawyers, though this may be coordinated through family. There is no established mechanism or institution for prisoners to submit complaints.

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

5.21 DFAT understands that some newer 'model' prisons have better facilities, and that some prisons may also offer opportunities for rehabilitation and access to education. Former MPs may be held in separate, better prison facilities. Some prisons also separate prisoners of opposing political persuasions to reduce the risk of violence.

INTERNAL RELOCATION

5.22 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.

5.23 As noted in [Chittagong Hill Tracts \(CHT\) indigenous people](#), 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

5.24 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.

5.25 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.

5.26 Bangladesh is largely surrounded by India, and a number of land border crossings exist. There are 32 checkpoints in total and 24 of these are operational. One crossing exists at the border with Myanmar. Some parts of the border are fenced and some parts are open. Bangladeshi border police cooperate with Indian Border Force officers. There have been some recent cases of farmers and agricultural workers being killed when crossing the border with India away from official checkpoints. Indian border officers have generally blamed these cases on the victims being mistaken for drug traffickers. DFAT assesses that those crossing the border outside of regular checkpoints may be at risk of being killed when trying to cross the border.

Conditions for Returnees

5.27 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 for 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 Organization 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 have received adverse attention from authorities or others.

5.28 DFAT is aware of cases, both recent and historical, of people leaving Bangladesh on false passports to seek work abroad, including Rohingya. In some cases, people on false passports have successfully lived and worked abroad for years before being detected. The false passports used in these cases are often genuine passports that have been fraudulently obtained, in some cases through paying bribes to officials. If such cases cause media attention, it is likely that people who are returned for holding fraudulently obtained documents will be detained and questioned by police. DFAT is not aware, however, of a substantial pattern of holders of fraudulent passports being detained or questioned in this way.

5.29 Bangladesh has a very large diaspora, and tens of thousands of Bangladeshis exit and enter the country each year. It is unlikely that authorities have the capacity to check on or monitor each of these

people, and the vast majority of returning Bangladeshis will re-enter the country without incident. If, however, those returning have a particular political profile, particularly with the BNP, it is likely that their entry into Bangladesh will be noted (see [Bangladesh Nationalist Party \(BNP\)](#)). DFAT is not aware of any instances of returnees being detained at the country's borders in relation to political activities conducted abroad.

5.30 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. This is unlikely, however, for returnees without such a profile.

DOCUMENTATION

Birth Certificates

5.31 The *Births and Deaths Registration Act* (2004) makes birth registration compulsory for all babies born in Bangladesh, and registration of births has become increasingly widespread. 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, and employment in government or non-government organisations, and to register marriages. DFAT understands, however, 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)

5.32 Under the *National Identity Registration Act* (2010), all citizens over the age of 18 must register with the 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' licences and utility bills. Cardholders are not required to update their residential addresses should they change residence.

5.33 In October 2016, the BEC announced the introduction of the 'smart NIC'. The smart NIC is a machine-readable card containing 32 types of basic information about a citizen embedded in its microchip. It contains 25 security features including photographs and electronic chips. 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. This process remains ongoing, and many older National Identity Cards without security features are reportedly still in use.

Passports

5.34 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. 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 fraud in relation to passports.

Rohingya Documents

5.35 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 maintains a 'Rohingya Family Book', which contains the details of all documented Rohingya in Bangladesh.

5.36 The government conducted a voluntary census of undocumented Rohingya in June 2016, extending the census in November 2016 to include a large number of recent arrivals. Those who participated in the census received a laminated biometric identification card. Authorities are reportedly still attempting to document the more than 600,000 Rohingya who have arrived in Bangladesh since 25 August 2017, and are issuing them the same laminated biometric identification cards. It is unclear how many of the Rohingya who have arrived since 25 August 2017 have received this identification to date. In line with an agreement with Myanmar authorities, Bangladesh has also commenced processing new verification forms submitted on behalf of family units that do not require participants to specify their nationality or provide identification documents.

5.37 A large-scale registration project was launched in June 2018 in which tens of thousands of people claiming to be Rohingya were registered. Biometric data including iris scans and fingerprints were taken alongside demographic information about family members, skills, occupations and family and migration history. Some newly arrived Rohingya have refused registration, presumably for fear of early repatriation, or because they may wish to seek informal work. Because registration brings other benefits such as food aid, however, many people claiming to be Rohingya have reportedly offered their biometric information.

5.38 As with all people living in Bangladesh, Rohingya may be able to access false passports, which ostensibly demonstrate Bangladeshi citizenship and which may be held by Rohingya abroad. These passports might be entirely fraudulent, having been manufactured by people smugglers, or be fraudulently obtained genuine documents. People smugglers might also offer false passports for other countries, particularly Pakistani, Indian or Nepalese passports. These passports may allow Rohingya to travel abroad for employment, or potentially be smuggled by people smugglers. If those passports are found to be fraudulent abroad, or are unable to be renewed at a Bangladeshi mission abroad, Rohingya may face difficulties should they be expelled from their host country.

PREVALENCE OF FRAUD

5.39 The increasing use of biometric data collection has limited opportunities for fraud because of the greater capacity for authorities to check suspicious identity documents. DFAT assesses, however, that the use of fraudulent documents and fraudulently obtained genuine documents remains widespread. This risk is exacerbated given that civil documentation is generally held by local issuing offices in paper-based files without networked systems.

5.40 It is common for Bangladeshis to acquire documents through an agent, or ‘middleman’. This individual will make an application for documents on behalf of the person that has requested them, a process which may be subject to fraud. It is therefore possible that the person seeking the document does not know that their documents are fraudulent. The risk involved with the use of middlemen may be unavoidable, as some sources report that it is not possible to get documents without the use of such an agent.

5.41 Passport fraud is a particularly common type of fraud, given many Bangladeshis travel or are trafficked abroad in order to get work. DFAT is aware of Rohingya obtaining genuine Bangladeshi passports by fraudulent means, such as paying bribes. Once these passports expire they cannot be renewed, which has led to some high profile cases of stateless people abroad unable to return, or being arrested or detained by Bangladeshi authorities upon return. Some Bangladeshis reportedly try to leave on fraudulent passports via India, where the bona fides of the passport are more difficult to check. These travellers may be detected by Indian immigration at inward or outward borders. Bangladeshi immigration officers at the border may lack the skills and expertise to identify fraudulent documents on entry or exit. Attempting to obtain a genuine passport without corruption can be difficult as each step of obtaining documents may require bribes. For example, obtaining a passport might require a police certificate, which could require a bribe. A fraudulent document can be more easily detected than a fraudulently obtained genuine document.

5.42 Fraudulent NICs are harder to produce as they contain a plastic chip with biometric information embedded. A genuine, but fraudulently obtained document may contain some correct biometric information. Authorities can also check NICs on a national database, which may provide some protection against fraud.

5.43 Political party documents may be subject to fraud, as they do not contain the security features of other documents. The patronage-based nature of political participation means that an analysis of the person’s political relationships may be more useful in determining their membership of a party. Obtaining such documents fraudulently may be facilitated through patronage networks, in which case it is probable that the bearer is a member of the party.

5.44 Court and police documents may be fraudulently obtained, for example by bribing police for minor offences to be removed from a record. Corruption is widespread in the courts and the police and it is possible that genuine documents are fraudulently obtained as part of this process. Local media often reports on cases where fake court documents are created for personal gain. The court system and police systems are heavily bureaucratic and often paper based, which can limit the ability to detect fake documents. Official documents, including identity, nationality, and court documents, can often be difficult to verify through formal channels. This is for a variety of reasons, including expectations by some officials of facilitation payments, or genuine lack of adequate records and capacity. DFAT assesses that fraudulent court documents, or court documents that are obtained fraudulently, are relatively common in Bangladesh.