

CIFORB Country Profile – *Bangladesh*

Demographics

- Obtained independence from Pakistan (East Pakistan) in 1971 following a nine month civil uprising
- Bangladesh is bordered by India and Myanmar.
- It is the third most populous Muslim-majority country in the world.
- Population: 168,957,745 (July 2015 est.)
- Capital: Dhaka, which has a population of over 15 million people.

- Bangladesh's government recognises 27 ethnic groups under the 2010 Cultural Institution for Small Anthropological Groups Act.

- Bangladesh has eight divisions: Barisal, Chittagong, Dhaka, Khulna, Mymensingh, Rajshahi, Rangpur, Sylhet (responsible for administrative decisions).

- Language: Bangla 98.8% (official, also known as Bengali), other 1.2% (2011 est.).

- Religious Demographics: Muslim 89.1% (majority is Sunni Muslim), Hindu 10%, other 0.9% (includes Buddhist, Christian) (2013 est.).
- Christians account for approximately 0.3% of the total population, and they are mostly based in urban areas. Roman Catholicism is predominant among the Bengali Christians, while the remaining few are mostly Protestants.
- Most of the followers of Buddhism in Bangladesh live in the Chittagong division.
- Bengali and ethnic minority Christians live in communities across the country, with relatively high concentrations in Barisal City, Gournadi in Barisal district, Baniarchar in Gopalganj, Monipuripara and Christianpara in Dhaka, Nagori in Gazipur, and Khulna City.

- The largest noncitizen population in Bangladesh, the Rohingya, practices Islam. There are approximately 32,000 registered Rohingya refugees from Myanmar, and between 200,000 and 500,000 unregistered Rohingya, practicing Islam in the southeast around Cox's Bazar.

<https://www.justice.gov/eoir/file/882896/download>

- The Hindu American Foundation has observed: 'Discrimination towards the Hindu community in Bangladesh is both visible and hidden. The state's bias in the Constitution and its reluctance to address human rights violations against minorities makes this discrimination evident. Moreover, there has been a long history of violence and repression against Hindus in Bangladesh, which has led to the community's dramatic decline. The authors argue that these incidents indicate a discriminatory social policy towards the Hindu community in Bangladesh, which aims at and results in the unwilling departure of Hindus from their motherland.'

http://www.hafsite.org/sites/default/files/Diminishing_Hindu_Population_Bangladesh_AnirbanChoudhuryArup.pdf

Religious Affairs

State Religion

Background:

Drafted in 1972, soon after Bangladesh's split from Pakistan in 1971, the original Bangladesh Constitution declared the country a secular state with secularism being one of the four key principles. However, military ruler Ziaur Rahman erased secularism from the Constitution in 1977, while his successor, H.M. Ershad — another military rule, made Islam the state religion in 1988. The government led by the centre-left Awami League Party to some extent reinstated secularism in the Constitution in 2011, which was said to have

restored 'the secular nature of the state while also confirming Islam as the official religion.'

The preamble of the Constitution of the People's Republic of Bangladesh declares that secularism is a fundamental principle of the Constitution Article 2-A of the Constitution stipulates that '[t]he state religion of the Republic is Islam, but the State shall ensure equal status and equal right in the practice of the Hindu, Buddhist, Christian and other religions.'

This framework has been criticised as 'contradictory and conflicting', as it is argued that secularism and a state religion cannot co-exist.

<http://www.ucanews.com/news/bangladesh-court-ruling-supporting-state-religion-sparks-criticism/74224>

In March 2016, the Supreme Court rejected a petition challenging the insertion of Islam as a state religion in article 2-A. The court ruled that the petitioning organisation, the Committee against Autocracy and Communalism, did not have the right to be heard in court. A similar petition was rejected in September 2015.

http://www.nytimes.com/2016/03/26/world/asia/a-revived-challenge-to-islam-as-bangladeshs-statereligion-goes-to-court.html?_r=0

Religious Laws

The majority Muslim population is governed by Muslim personal laws that are predominantly based on the Hanafi school of thought. Under all Sunni schools of Islamic law, including the Hanafi school, a Muslim male is permitted to contract a valid marriage not only with a Muslim woman, but also with a Kitabi (or scripturalist), meaning a member of the Christian or Jewish religions. Marriages to polytheists and idol or fire worshipers are not considered valid. Moreover, a Muslim woman cannot contract a valid marriage except with a Muslim. An interfaith marriage between a Muslim man and a Hindu woman, and between a Muslim woman and a non-Muslim man is lawful under the Special Marriage Act of 1872, but only if the parties renounce their respective religions through a declaration prior to solemnization of the marriage.

Chapter XV of Bangladesh's Penal Code contains offenses related to religion, which prohibit '[d]eliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs' and '[u]ttering words, etc, with deliberate intent to wound religious feelings.' These are punished with fines, or imprisonment for up to two years, or both.

Political Affairs

Bangladesh's political landscape is deeply divided between the ruling Awami League (AL) and the main opposition party, the Bangladesh Nationalist Party (BNP). The January 2014 parliamentary election was not free and fair, and was followed by violence in 16 out of 64 districts. The worst attacks occurred in minority-dominated villages. Dozens of Hindu properties were looted or set ablaze, and hundreds of Hindus fled their homes. Christian and Buddhist communities were also targeted. Most attacks were attributed to individuals and groups associated with the BNP and the main Islamist party Jamaat-e-Islami

(http://www.uscifr.gov/sites/default/files/USCIRF_Monitored_Bangladesh.pdf)

History:

The post-independence AL government faced daunting challenges, and in 1975 was overthrown by the military, triggering a series of military coups that resulted in a military-backed government and subsequent creation of the Bangladesh Nationalist Party (BNP) in 1978. That government also ended in a coup in 1981, followed by military-backed rule until democratic elections occurred in 1991. The BNP and AL alternated in power between 1991 and 2013 with the exception of a military-backed, emergency caretaker regime that suspended parliamentary elections planned for January 2007 in an effort to reform the political system and root out corruption. That government returned the country to fully democratic rule in December 2008 with the election of the AL and Prime Minister Sheikh Hasina. In January 2014, the AL won the national election by an overwhelming majority after the BNP boycotted, extending Hasina's term as prime minister. The elections

were also marred by extensive violence. Human Rights Watch termed them the bloodiest since the country's independence. As a result, voter turnout was low at 22 percent, compared with 87 percent in 2008.

The JI party was banned from taking part in the 2014 elections because of its overtly Islamist charter; the Constitution bans religiously based political parties. A month long series of mass opposition protests, *hartals* (strikes), and transport blockades in early 2015 left more than 60 dead and dozens of others injured. More than 10,000 opposition activists were temporarily detained, and BNP leader Khaleda Zia was confined to the party headquarters for more than a month. The human rights group Odhikar registered more than 197 deaths and more than 8,300 people injured as a result of inter- or intraparty clashes during the year.

<https://freedomhouse.org/report/freedom-world/2016/bangladesh>

Parliamentary System

The House of the Nation or Jatiya Sangsad. The House has 350 seats: 300 members in single-seat territorial constituencies directly elected by simple majority popular vote, and 50 members – reserved for women only – indirectly elected by the elected members by proportional representation vote using the single transferable vote method. All members serve five-year terms. Parliament may sit no longer than five years. Constitutional amendments require a two-thirds majority of parliament. The legal system of Bangladesh is based on English common law, with a written Constitution.

Judiciary

Supreme Court of Bangladesh (organized into the Appellate Division with seven justices, and the High Court Division with 99 justices).

The chief justice and justices are appointed by the president, and justices serve until retirement at age 67.

Civil courts include the Assistant Judge's Court, Joint District Judge's Court, Additional District Judge's Court, and District Judge's Court, and criminal courts include the Court of Sessions, Court of Metropolitan Sessions, special courts/tribunals, Metropolitan Magistrate Court, and Magistrate Court.

International Affairs (including membership of int. organisations, UPR/treaty committees coming up etc) treaty compliance

India

In June 2016, Bangladesh and India signed a border agreement, which allowed the two countries to exchange small land enclaves. Prior to the agreement, people living in the enclaves had been effectively stateless, many without legal title to their property. India pledged in 2012 to prosecute members of the Border Security Force for serious abuses against illegal Bangladeshi migrants crossing the border, but made little progress in 2015.

Pakistan:

Pakistan-Bangladesh relations have been lukewarm ever since Dhaka has launched war crime tribunals indicting pro-Pakistan Jamaat-e-Islami leaders for their role in human rights abuses in 1971 against East Pakistani nationals.

<http://economictimes.indiatimes.com/news/politics-and-nation/pakistan-fails-to-raise-bangladesh-situation-at-commonwealth-meeting/articleshow/52214759.cms?prtpage=1>

EU

The European Union has long-standing relations with Bangladesh, including through the 2001 Cooperation agreement on partnership and development. The EU has consistently engaged with Bangladesh to support the consolidation of democracy in its territory. Article I of the Agreement contains a human rights clause, emphasising that respect for human rights and democratic principles underpins the domestic and international policies of the parties and forms an essential part of the Agreement.

([http://www.europarl.europa.eu/RegData/etudes/ATAG/2015/551311/EPRS_ATA\(2015\)551311_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/ATAG/2015/551311/EPRS_ATA(2015)551311_EN.pdf)) The

Treaties signed & Ratified:

- ICESCR
- ICCPR
- CERD
- CEDAW + optional protocol – Bangladesh submitted a reservation with respect to articles 2 (principle of non discrimination and elimination of discrimination against women), and 16 (1)(c) (elimination of discrimination against women in all matters relating to marriage and family relations, in particular the same rights and responsibilities during marriage and its dissolution). Moreover, Bangladesh submitted a declaration that ‘The Government of the People's Republic of Bangladesh does not consider as binding upon itself the provisions of article 2, [...] as they conflict with Sharia law based on Holy Quran and Sunna.’
- Convention on Trafficking
- CAT – Bangladesh submitted a declaration with respect to article 14, para 1 – right to fair and adequate compensation to the victim of torture.
- CRC – Bangladesh submitted a declaration with respect to article 14(1) – the right of the child to freedom of thought, conscience and religion, and article 21 – the adoption of a child
- CRPD

Membership of International Organisations:

ADB, ARF, BIMSTEC, C, CD, CICA (observer), CP, D-8, FAO, G-77, IAEA, IBRD, ICAO, ICC (national committees), ICRM, IDA, IDB, IFAD, IFC, IFRCS, IHO, ILO, IMF, IMO, IMSO, Interpol, IOC, IOM, IPU, ISO, ITSO, ITU, ITUC (NGOs), MIGA, MINURSO, MINUSMA, MONUSCO, NAM, OIC, OPCW, PCA, SAARC, SACEP, UN, UNAMID, UNCTAD, UNESCO, UNHCR, UNIDO, UNIFIL, UNISFA, UNMIL, UNMISS, UNMIT, UNOCI, UNWTO, UPU, WCO, WFTU (NGOs), WHO, WIPO, WMO, WTO

FORB (including legislation)

Constitution of Bangladesh, Article 41: Freedom of Religion:

(1) Subject to law, public order and morality –

every citizen has the right to profess, practice or propagate any religion;

every religious community or denomination has the right to establish, maintain and manage its religious institutions.

(2) No person attending any educational institution shall be required to receive religious instruction, or to take part in or to attend any religious ceremony or worship, if that instruction, ceremony or worship relates to a religion other than his own.

Ongoing ForB issues

Bloggers & Atheist Writers:

In 2015, four Bangladeshis – Washiqur Rahman Babu, Ananta Bijoy Das, Niloy Chatterjee, and Faisal Arefin Dipan, and one Bangladeshi-American, Avijit Roy, were assassinated for their writings on secularism and freedom of thought, religious and communal tolerance, and political transparency and accountability. Groups such as Al Qaeda in the Indian Subcontinent (AQIS), Ansar al Islam, and Ansarullah Bangla Team (ABT) claimed responsibility. According to the government, over 30 people have been arrested for the murders of Roy, Bijoy Das, Babu, and Chatterjee. Civil society groups, however, fear that increasing religious extremism will result in future threats and attacks. Meanwhile, on 31st December 2015, two men were sentenced to death and six others to prison for the 2013 murder of blogger Ahmed Rajib Haider.

http://www.uscirf.gov/sites/default/files/USCIRF_Monitored_Bangladesh.pdf

Forced Conversions

Heiner Bielefeldt, Special Rapporteur on freedom of religion or belief observed in September 2015 following his visit to Bangladesh that ‘One particularly atrocious crime is the abduction of people, mostly girls, with the purpose of forcing them to convert to another religion, while at the same time forcing them into an unwanted

marriage, potentially even 'marrying' them with their abductor. In addition to other elements of a brutal violation of human dignity, these crimes amount to rape or similar cruel abuses. Such incidents linger long in the memory of the affect families and communities.'

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16399&LangID=E>,

Human Rights (including legislation)

National Human Rights Commission of Bangladesh (NHRC)

The NHRC follows the comprehensive mandate outlined in the National Human Rights Commission Act, 2009. The main functions of the Commission are: investigation and inquiry, recommendation, legal aid, and human rights advocacy, research and training on human rights laws, norms and practices.

<http://www.nhrc.org.bd/about-nhrc/>

Human Rights situation in general

The most significant human rights problems in Bangladesh include extrajudicial killings and forced disappearances, the killing of secular bloggers and others by groups espousing extremist views. Bangladesh has also seen some restrictions on online speech and the press, early and forced marriage and gender-based violence,. Meanwhile, some nongovernmental organizations (NGOs) face continued legal and informal restrictions on their activities. Women and girls suffer from unequal treatment, and many children are compelled to work, primarily in the informal sector, due to either economic necessity or, in some instances, trafficking. Child workers are at times targets for violence and abuse. Instances of societal violence against religious and ethnic minorities have persisted, although many government and civil society leaders claim these acts had political or economic motivations and should not be attributed wholly to religious beliefs or affiliations. Discrimination against persons based on their sexual orientation has also continued in Bangladesh.

(<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>):

Institutional Issues:

The Detective Branch of the police, the Bangladesh Border Guards (BGB), and the Rapid Action Battalion (RAB) have been accused of serious abuses, including arbitrary arrests, torture, enforced disappearances, and killings. According to the Bangladesh human rights organization Ain O Salish Kendra, of the 135 people killed by security forces between January and September 2015, 90 were by the police, 33 by RAB, and the rest by other security agencies including the BGB.

<https://www.hrw.org/world-report/2016/country-chapters/bangladesh>

Indigenous Issues

Members of ethnic and religious minority groups face some discrimination under law as well as harassment and violations of their rights. Indigenous people in the Chittagong Hill Tracts remain subject to physical attacks, property destruction, and land grabs by Bengali settlers, and occasional abuses by security forces. In 2015, authorities announced that both foreign and domestic organizations and individuals would be banned from engaging in unsupervised talks with indigenous groups; some restrictions were lifted in response to a widely negative reaction by NGOs and the public. Indigenous leaders often criticize the national government for failing to implement provisions of the 1997 peace accord.

<https://freedomhouse.org/report/freedom-world/2016/bangladesh>

Land Rights

The 2011 Vested Properties Return Act allows Hindus to reclaim land that the government or other individuals seized, but it has been unevenly implemented. Tribal minorities have little control over land decisions affecting them, and Bengali-speaking settlers continue to illegally encroach on tribal lands in the Chittagong Hill Tracts. Meanwhile, a commission set up in 2009 to allocate land to indigenous tribes has suffered from delays.

Women and Girls

Under the personal status laws affecting communities of all religions, women have fewer marriage, divorce, and inheritance rights than men. In rural areas, religious leaders sometimes impose flogging and other extrajudicial punishments on women accused of violating strict moral codes despite Supreme Court orders calling for an end to such practices. Women also face discrimination in social services and employment.

Refugees

Nearly 32,000 long-term Rohingya refugees live in camps administered by UNHCR along Bangladesh's border with Myanmar. These refugees, and another 200,000 stateless Rohingya in Bangladesh, often face terrible conditions, and humanitarian groups seeking to provide assistance to them in border regions face highly restrictive conditions

(<https://www.hrw.org/world-report/2016/country-chapters/bangladesh>)

LGBT

A criminal ban on same-sex sexual acts is rarely enforced, but societal discrimination remains the norm, and dozens of attacks on LGBT individuals are reported every year. Transgender people face persecution. Although since 2013 they can be legally classified as a 'third gender', if they desire, people registered as such have no inheritance rights under Sharia (Islamic law) provisions governing personal status matters in Bangladesh. Same-sex sexual behaviour, dubbed 'carnal intercourse against the order of nature', is criminalized in Bangladesh. LGBT rights groups reported continuing threats, particularly after homophobic public comments by Islamic leaders.

Media restrictions

On 6 August 2014, the Government published its new media policy, which contains elements limiting media freedom, for example by banning speeches addressed against the state.

([http://www.europarl.europa.eu/RegData/etudes/ATAG/2015/551311/EPRS_ATA\(2015\)551311_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/ATAG/2015/551311/EPRS_ATA(2015)551311_EN.pdf))

The 2009 Right to Information Act mandates public access to all information held by public bodies and overrides secrecy legislation. Although it has been unevenly implemented, journalists and civil society activists have had some success in using it to obtain information from local governing authorities. The 2014 National Broadcasting Policy allows for restrictions on coverage that is critical of the government or security forces or that is determined to threaten national security. Many activists are also hesitant to approach the police, fearing that they could be charged under the Information, Communications, and Technology Act of 2006, which criminalizes writings that hurt religious belief.

<https://www.article19.org/data/files/medialibrary/38365/Bangladesh-ICT-Law-Analysis.pdf>

University Research

While authorities largely respect academic freedom, research on sensitive political and religious topics is reportedly discouraged. Political polarization at many universities, including occasional clashes involving the armed student wings of the three main parties, inhibits education and access to services. Open private discussion of sensitive religious and political issues is restrained by fear of harassment.

<https://freedomhouse.org/report/freedom-world/2016/bangladesh>

Commonwealth Relationship

Joined in 1972

Bangladesh rejoined the Commonwealth Foundation in 2013

<https://commonwealthfoundation.com/bangladesh-rejoins-commonwealth-foundation/>