

# **BANGLADESH 2017 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

According to its constitution, Bangladesh is a secular, democratic people's republic. Prime Minister Sheikh Hasina and the Awami League (AL) party that she led assumed power in 2009. The 2014 parliamentary elections that resulted in the prime minister and AL's re-election were characterized by domestic and international observers as falling short of international standards.

Civilian authorities maintained effective control over the security forces.

The most significant human rights issues included: extrajudicial killings, torture, arbitrary or unlawful detentions, and forced disappearances by government security forces; restrictions on civil liberties, including freedom of speech, press, and the activities of nongovernmental organizations (NGOs); a lack of freedom to participate in the political process; corruption; violence and discrimination based on gender, religious affiliation, caste, tribe, including indigenous persons, and sexual orientation and gender identity also persisted and, in part, due to a lack of accountability. Trafficking in persons remained a serious problem; as did restrictions on worker's rights and the worst forms of child labor.

There were reports of widespread impunity for security force abuses. The government took limited measures to investigate and prosecute cases of abuse and killing by security forces. Public distrust of police and security services deterred many from approaching government forces for assistance or to report criminal incidents.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

The constitution provides for the rights to life and personal liberty. There were numerous reports, however, that the government or its agents committed arbitrary or unlawful killings.

Suspicious deaths occurred during raids, arrests, and other law enforcement operations. Security forces frequently claimed they took a suspect in custody to a crime scene or hideout late at night to recover weapons or identify conspirators and

that the suspect was killed when his conspirators shot at police. The government usually described these deaths as “crossfire killings,” “gunfights,” or “encounter killings,” terms used to characterize exchanges of gunfire between the Rapid Action Battalion (RAB) or other police units and criminal gangs. The media also sometimes used these terms to describe legitimate uses of police force. Human rights organizations and media outlets claimed many of these “crossfire” incidents actually constituted extrajudicial killings. In some cases human rights organizations claimed law enforcement units detained, interrogated, and tortured suspects, brought them back to the scene of the original arrest, executed them, and ascribed the death to lawful self-defense in response to violent attacks. A domestic human rights organization, Ain O Salish Kendra (ASK), reported that security forces killed 162 individuals in “crossfire.” Another domestic human rights organization, Odhikar, reported that security forces killed 118 individuals extrajudicially in the first 10 months of the year.

On May 12, RAB forces allegedly shot and killed Rakibul Hasan Bappi and Lalon Molla in Goalanda Upazila, Rajbari District. According to RAB, the men died during a gunfight that occurred during a RAB raid of a meeting of the Purba Banglar Communist Party, a banned organization. Family members of the suspects claimed law enforcement arrested and detained the individuals months prior to the alleged May 12 incident. The circumstances of the encounter remained disputed.

ASK stated that law enforcement personnel killed up to 53 detainees in custody during the year, while Odhikar reported that security forces killed six detainees in the first six months of the year.

The family of Mazharul Islam, a community leader who protested against the government, alleged RAB tortured him to death after his arrest in Naogaon District. On September 8, Islam’s family said that RAB arrested Islam at a tea stall at Singarhat Bazar and later detained him in his home, where RAB members allegedly tortured him. RAB members then took him to Rajshahi Medical College Hospital, where he died on September 9. The hospital reported injuries to multiple areas of Islam’s body, according to press reports. On September 18, Islam’s wife, Shamima Akhtar Swapna, filed a murder case accusing the company commander of RAB-5 at Joypurhat, the Kanshopara Union Parishad chairman, and other local residents of torturing and killing her husband. Police were unable to provide all case documents for the original October 18 court date, so a new court date of January 15, 2018, was set. Swapna and a witness in the case stated they had received threats from unknown cell phone numbers for their roles in the case.

Competition among factions and members of the ruling party for local offices provoked violent clashes between supporters of rival Awami League candidates that resulted in killings. ASK reported political violence resulted in 44 deaths and 3,506 injuries in the first nine months of the year.

In August a violent Awami League intraparty clash took place between supporters of Rajnagar Union leaders in a power struggle before approaching general elections. The confrontation injured 56 individuals, and a Jubo League youth official died from a gunshot wound.

Terrorists committed killings in three separate terror incidents in March, all of which were claimed by ISIS. On March 17, a suspected suicide bomber infiltrated a RAB barracks and killed one person. On March 24, a suicide bomber killed two individuals at a police checkpoint near Dhaka's Hazrat Shahjalal International Airport. On March 25, eight individuals were killed and more than 40 injured in two blasts during a raid on a suspected ISIS safe house in Sylhet.

### **b. Disappearance**

Human rights groups and media reported that disappearances and kidnappings continued, some committed by security services. The government made limited efforts to prevent or investigate such acts. Following alleged disappearances, security forces released some individuals without charge, arrested some, some were found dead, and others were never found. ASK stated there were 60 enforced disappearances during the year.

Authorities took into custody in August 2016 the sons of three former opposition politicians convicted by Bangladesh's International Criminal Tribunal. Authorities alleged they were conspiring to prevent the execution of one of their fathers, but they were never charged with a crime. Authorities released Humam Quader Chowdhury seven months later, but Mir Ahmed Bin Quasem and Amaan Azmi remained missing at year's end. In February the UN Office of the High Commissioner for Human Rights published a report claiming at least 40 disappearances. The government did not respond to a request from the UN Working Group on Enforced Disappearances to visit the country.

High-ranking government officials repeatedly denied the incidents of enforced disappearance and claimed victims were hiding of their own accord. A July 4 judicial inquiry concluded that enforced disappearances occurred and ordered the Police Bureau of Investigation to take action regarding a disappeared person. In

April Swedish Radio reported a secretly recorded interview with a senior RAB officer admitting that his unit routinely picked up individuals, killed them, and disposed of the bodies.

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

Although the constitution and law prohibit torture and other cruel, inhuman, or degrading treatment or punishment, local and international human rights organizations and the media reported security forces, including RAB, intelligence services, and police, employed torture and cruel, inhuman, or degrading treatment or punishment. Security forces reportedly used torture to gather information from alleged militants and members of political opposition parties. Security forces reportedly used threats, beatings, kneecappings, and electric shock, and they sometimes committed rapes and other sexual abuses. During the year Odhikar reported security forces tortured approximately 12 persons to death.

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 organizations alleged that many instances of torture occurred during remand as a means of obtaining information from the suspect.

As of October 20, the United Nations reported that it received two allegations of sexual exploitation and abuse against Bangladeshi peacekeepers during the year. Alleged victims said Bangladeshi police officers deployed with the UN Stabilization Mission in Haiti sexually assaulted children and demanded transactional sex. As of November investigations of both allegations were pending.

### **Prison and Detention Center Conditions**

Prison conditions remained harsh and at times life threatening due to overcrowding, inadequate facilities, and a lack of proper sanitation. ASK stated these conditions contributed to custodial deaths, which it claimed totaled 53 in the year.

Physical Conditions: According to the Department of Prisons, 76,025 prisoners occupied a system designed to hold 36,614 inmates. Authorities often incarcerated pretrial detainees with convicted prisoners.

Due to overcrowding, prisoners slept in shifts and did not have adequate toilet facilities. According to a 2016 report by the German Agency for International Cooperation, the prisons did not meet minimum standards for adequate light, air, decency, and privacy. In 2016 human rights organizations and the media stated some prisoners did not receive medical care or water, although prison authorities maintained that each prisoner had access to water. Water available in prisons was comparable with water available in the rest of the country, which was frequently not potable.

Conditions in prisons, and often within the same prison complex, varied widely. Authorities lodged some prisoners in areas subject to high temperatures, poor ventilation, and overcrowding. The law allows individuals whom prison officials designated as “VIPs” to access “Division A” prison facilities with improved living conditions and food, more frequent family visitation rights, and the provision of a poorer prisoner to serve as an aide in their cell.

While the law requires holding juveniles separately from adults, authorities incarcerated many juveniles with adults. Children were sometimes imprisoned (occasionally with their mothers) despite laws and court decisions prohibiting the imprisonment of minors.

Authorities routinely held female prisoners separately from men. Although the law prohibits women in “safe custody” (usually victims of rape, trafficking, and domestic violence) from being housed with criminals, officials did not always provide separate facilities. Authorities must issue permission for these women to leave this “safe custody.”

Although Dhaka’s central jail had facilities for those with mental disabilities, not all detention facilities did, nor are they required to by law. Judges may reduce punishments for persons with disabilities on humanitarian grounds. Jailors also may make special arrangements, for example, by transferring inmates with disabilities to a prison hospital.

Administration: Prisons had no ombudsmen to whom prisoners could submit complaints. Prison authorities indicated they were constrained by significant staff shortages. The scope for retraining and rehabilitation programs was extremely limited.

Independent Monitoring: The government permitted visits from the International Committee of the Red Cross.

#### **d. Arbitrary Arrest or Detention**

The constitution prohibits arbitrary arrest and detention, but the Special Powers Act of 1974 permits authorities to arrest and detain an individual without an order from a magistrate or a warrant if authorities perceive the individual may constitute a threat to security and public order. The act was widely cited by law enforcement in justifying their arrests. The constitution provides for the right of any person to challenge the lawfulness of his/her arrest or detention in court, but the government did not generally observe these requirements. Media, civil society, and human rights organizations accused the government of conducting enforced disappearances not only against suspected militants, but also against civil society and opposition party members. Authorities sometimes held detainees without divulging their whereabouts or circumstances to family or legal counsel, or without acknowledging having arrested them in the first place.

#### **Role of the Police and Security Apparatus**

The Bangladesh Police, which falls under the jurisdiction of the Ministry of Home Affairs, have a mandate to maintain internal security and law and order. Numerous units of the Bangladesh Police operate under competing mandates. The most significant among such units are the Counter Terrorism and Transnational Crime Unit (CTTCU), the Rapid Action Battalion (RAB)--a mostly counterterrorism-focused Special Mission Unit--and the Detective Branch.

The military, which reports directly to the prime minister (who also holds the title of minister of defense), is responsible for external security. The military may also be “activated” as a backup force with a variety of domestic security responsibilities when required to aid civilian authorities. This includes responding to instances of terrorism.

The Directorate General of Forces Intelligence (DGFI) and National Security Intelligence (NSI) are the two primary intelligence agencies with overlapping responsibilities and capabilities. Both are responsible for domestic as well as foreign affairs and report directly to the prime minister in her capacity as minister of defense. Media reports asserted that the DGFI and, to a lesser degree, the NSI engaged in politically motivated violations of human rights. This included

violations against suspected terrorists, members of opposition parties, civil society, and others.

Civilian authorities maintained effective control over the military and other security forces. While the government has mechanisms to investigate and punish abuse and corruption within the security forces, these mechanisms were not regularly employed. The government continued to take steps to improve police professionalism, discipline, training, and responsiveness and to reduce corruption. Police basic training continued to incorporate instruction on the appropriate use of force as part of efforts to implement community-based policing.

According to police policy, all significant uses of force by police, including actions that resulted in serious physical injury or death, trigger an automatic internal investigation, usually by a professional standards unit that reports directly to the Inspector General of Police. The government neither released statistics on total killings by security personnel nor took comprehensive measures to investigate cases, despite previous statements by high-ranking officials that the government would show “zero tolerance” and fully investigate all alleged extrajudicial killings by security forces that occurred in 2016. In 2016 human rights groups expressed skepticism over the independence of the professional standards units conducting these assessments. In the few known instances in which the government brought charges, those found guilty generally received only administrative punishment.

Security forces continued to commit abuses with impunity. Plaintiffs were reluctant to accuse police in criminal cases due to lengthy trial procedures and fear of retribution. Reluctance to bring charges against police also perpetuated a climate of impunity. Officers loyal to the ruling party occupied many of the key positions in the law enforcement agencies.

The government continued support of the Internal Enquiry Cell within the RAB that investigates cases of human rights abuses. RAB did not widely publish its findings and did not otherwise announce significant actions against officers accused of human rights abuses.

Security forces failed to prevent societal violence (see section 6).

### **Arrest Procedures and Treatment of Detainees**

The constitution requires that arrests and detentions be authorized by a warrant or occur as a result of observation of a crime in progress, but the Special Powers Act of 1974 grants broad exceptions to these protections.

Under the constitution detainees must be brought before a judicial officer to face charges within 24 hours, but this did not regularly occur. The government or a district magistrate may order a person detained for 30 days to prevent the commission of an act that could threaten national security; however, authorities sometimes held detainees for longer periods with impunity.

There is a functioning bail system, but police routinely did so with impunity, despite a May 2016 directive from the Supreme Court's Appellate Division prohibiting rearrest of persons when they are released on bail in new cases without producing them in court.

Authorities generally permitted defense lawyers to meet with their clients only after formal charges were filed in the courts, which in some cases occurred weeks or months after the initial arrest. Detainees are legally entitled to counsel even if they cannot afford to pay for it, but the country lacked sufficient funds to provide for this entitlement.

Arbitrary Arrest: Arbitrary arrests occurred, often in conjunction with political demonstrations or as part of security force responses to terrorist activity, and the government held persons in detention without specific charges, sometimes in an attempt to collect information about other suspects. The expansiveness of the 1974 Special Powers Act grants a legal justification to arrests that would often otherwise be considered arbitrary, since it removes the requirement that arrests be based on crimes that have previously occurred. Unlike in the past year, when police engaged in a mass arrest campaign, reportedly arresting 14,000 individuals including a purported 2,000 opposition-party activists, during the year police made periodic arrests of opposition activists on various charges.

Pretrial Detention: Arbitrary and lengthy pretrial detention continued due to bureaucratic inefficiencies, limited resources, lax enforcement of pretrial rules, and corruption. In some cases the length of pretrial detention equaled or exceeded the sentence for the alleged crime.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: A magistrate must inform a detainee of the grounds for detention within 15 days. Regulations require an advisory board, appointed by the government and

composed of two individuals who could be appointed to the High Court and a “senior officer in service to the republic,” to examine a detainee’s case after four months. Detainees have the right to appeal.

Vacancies hampered the ability to challenge lawfulness of detention. On September 23, the *Daily Star* newspaper reported delays in recruitment of judges, which were hampering judicial proceedings and leading to a substantial case backlog, rendered 397 positions of lower court judges, including 51 district judges, vacant. More than 2.7 million cases were pending with the lower courts and 400,000 cases were pending with the High Court Division of the Supreme Court.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, but corruption and political interference compromised its independence. In 2014 parliament passed the 16th amendment, affording it the right to remove judges. During the year the Supreme Court ruled the amendment unconstitutional, and the chief justice’s resulting public dispute with parliament and the prime minister resulted in the chief justice’s resignation and departure from the country. The chief justice claimed the government forced him to resign, while the government denied the charge. The government continued to pursue corruption charges against the chief justice at year’s end, which human rights observers alleged were politically motivated.

Human rights observers maintained that magistrates, attorneys, and court officials demanded bribes from defendants in many cases, or they ruled based on influence by or loyalty to political patronage networks. Observers noted that judges who made decisions unfavorable to the government risked transfer to other jurisdictions. Some officials reportedly discouraged lawyers from representing defendants in certain cases.

Corruption and a substantial backlog of cases hindered the court system, and the granting of extended continuances effectively prevented many defendants from obtaining fair trials.

#### **Trial Procedures**

The constitution provides for the right to a fair and public trial, but the judiciary did not always protect this right due to corruption, partisanship, and weak human resources and institutional capacities.

Defendants are presumed innocent, have the right to appeal, and have the right to be informed promptly and in detail of the charges against them. The accused are entitled to be present at their public trial. Indigent defendants have the right to a public defender. Trials are conducted in the Bengali language. The government does not provide free interpretation for defendants who cannot understand or speak Bengali. Defendants also have the right to adequate time to prepare a defense. Accused persons have the right to confront prosecution or plaintiff witnesses and present their own witnesses and evidence. They also have the right not to be compelled to testify or confess guilt, although defendants who do not confess their guilt are often kept in custody. The government frequently did not respect these rights.

Mobile courts headed by executive branch magistrates rendered immediate verdicts that often included prison terms to defendants who were not afforded the opportunity for legal representation. In their annual conferences in Dhaka in 2016 and 2017, deputy commissioners from all 64 districts requested that the government expedite the passage of an amendment to the Mobile Court Act of 2009 giving the executive magistrates increased judicial powers, but parliament had not introduced such legislation by year's end. In May the High Court ruled that empowering executive magistrates with judicial powers was "a frontal attack on the independence of the judiciary and violates the theory of separation of powers." The government appealed the verdict through the Appellate Panel of the Supreme Court, which stayed the verdict, allowing the mobile courts to function pending the Appellate Panel's next decision.

### **Political Prisoners and Detainees**

There were reports of political prisoners or detainees. Political affiliation often appeared to be a factor in claims of arrest and prosecution of members of opposition parties, including through spurious charges under the pretext of responding to national security threats. The opposition Bangladesh Nationalist Party (BNP) maintained that its members had been arrested arbitrarily but did not offer specific examples.

### **Civil Judicial Procedures and Remedies**

Individuals and organizations may seek judicial remedies for human rights violations; however, lack of public faith in the court system deterred many from filing complaints. While the law has a provision for an ombudsman, one had not been established.

## **Property Restitution**

The government did not amend the 2001 Vested Property (Return) Act to accelerate the process of return of land to primarily Hindu individuals (see section 2.d.). The act allows the government to confiscate property of anyone whom it declares to be an enemy of the state. It was often used to seize property abandoned by minority religious groups when they fled the country, particularly after the 1971 independence war.

Minority communities continued to report many land ownership disputes that disproportionately displaced minorities, especially in areas near new roads or industrial development zones where land prices had increased. They also claimed that local police, civil authorities, and political leaders were sometimes involved in evictions or shielded politically influential land grabbers from prosecution (see section 6). In August 2016 the government amended the Chittagong Hill Tracts (CHT) Land Dispute Resolution Commission Act, which may allow for land restitution for indigenous persons living in the CHT (see section 2.d.).

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

The law does not prohibit arbitrary interference with private correspondence. Intelligence and law enforcement agencies may monitor private communications with the permission of the Ministry of Home Affairs, but police rarely obtained such permission from the courts to monitor private correspondence. Human rights organizations alleged the Special Branch of police, the National Security Intelligence, and the Directorate General of Forces Intelligence employed informers to conduct surveillance and report on citizens perceived to be critical of the government.

There were at least three incidents in which the children of those convicted by the International Criminal Tribunal were arrested for alleged offenses committed by relatives (see section 1.b.).

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The constitution provides for freedom of speech, including for the press, but the government sometimes failed to respect this right. There were significant limitations on freedom of speech. Some journalists self-censored their criticisms of the government due to harassment and fear of reprisal.

Freedom of Expression: The constitution equates criticism of the constitution with sedition. Punishment for sedition ranges from three years' to life imprisonment. In 2016 several high-profile individuals were charged with sedition, including BNP leader Khaleda Zia, television personality Mahmudur Rahman Manna, and reporter Kanok Sarwar. The government did not proceed with the prosecutions of Manna and Sarwar. The law limits hate speech but does not define clearly what constitutes hate speech, which permits the government's broad powers of interpretation. The government may restrict speech deemed to be against the security of the state; against friendly relations with foreign states; and against public order, decency, or morality; or that constitutes contempt of court, defamation, or incitement to an offense. The Foreign Donation Act criminalizes any criticism of constitutional bodies. Section 57 of the 2006 Information and Communication Technology Act (ICTA) references defamation of individuals and organizations and was used to prosecute opposition figures and civil society.

Press and Media Freedom: Both print and online independent media were active and expressed a wide variety of views; however, media outlets that criticized the government experienced negative government pressure.

The government maintained editorial control over the Bangladesh public television station (BTV) and mandated that private channels broadcast government content at no charge. Civil society said that political interference influenced the licensing process, since all television channel licenses granted by the government were for stations supporting the ruling party.

Violence and Harassment: Authorities, including intelligence services on some occasions, subjected journalists to physical attack, harassment, and intimidation.

Utpal Das, a journalist for an online news outlet, went missing in October and reappeared in December. Das gave confusing statements after his return, and observers alleged he was forcibly disappeared as a method of intimidation. Mubasher Hasan, a university professor and social media personality, disappeared for 44 days during the year. After *The Wire*, a news website, alleged that the army intelligence forces were responsible for the disappearance, the government blocked access to *The Wire*'s website.

According to the Committee to Protect Journalists, on May 17, the Foreign Ministry sent letters to its embassies abroad instructing them to monitor Bangladeshi journalists traveling abroad. The letter cited a recommendation from the Parliamentary Standing Committee, which had expressed concern that traveling journalists were giving “wrong information on Bangladesh in the international arena.”

Censorship or Content Restrictions: Independent journalists alleged that intelligence services influenced media outlets in part by withholding financially important government advertising and pressing private companies to withhold their advertising as well.

Privately owned newspapers usually enjoyed freedom to carry diverse views. Political polarization and self-censorship remained a problem, however. The government used advertising as a weapon to control the media by withholding advertising spending.

The government penalized media that criticized the government. On multiple occasions, government officials threatened privately owned television channels not to broadcast the opposition’s activities and statements. Daily newspapers *Prothom Alo* and *Daily Star* were denied access to prime ministerial events because they published reports critical of the government and prime minister, according to observers. The government also intervened to suppress reports deemed damaging to the ruling party. On September 22, the Burma news portal *mizzima.com* published a report by Indian journalist Subir Bhaumik under the headline “Bangladesh’s Hasina Survives Another Attempt on Her Life.” On September 23, the local television stations Jamuna TV and DBC News broadcast the report as breaking news but were pressured to pull it off the air.

According to some journalists and human rights NGOs, journalists engaged in self-censorship, particularly due to fear of security force retribution. Although public criticism of the government was common and vocal, some media figures expressed fear of harassment by the government.

Some international media outlets reported delays and difficulties in obtaining visas. A government-managed film censorship board reviewed local and foreign films and had the authority to censor or ban films on the grounds of state security, law and order, religious sentiment, obscenity, foreign relations, defamation, or plagiarism, but it was less strict than in the past.

Local and international media, including major news agencies, were largely able to report on the influx of Rohingya refugees from Burma, although two Burmese photojournalists were detained in September and charged with espionage. Many members of the international media traveled to the country on tourist visas, but police detained the photojournalists for using tourist visas to enter the country instead of journalist visas. After two weeks in detention, the journalists were released on bail but could not leave the country until authorities dropped the charges four weeks later.

Nongovernmental Impact: Atheist, secular, and lesbian, gay, bisexual, transgender, and intersex (LGBTI) writers and bloggers reported they continued to receive death threats from violent extremist organizations. In November a human rights lawyer claimed he received death threats for writing about and advocating for the country's LGBTI community.

### **Internet Freedom**

The government restricted and disrupted access to the internet and censored online content in isolated incidents. The Bangladesh Telecommunication Regulatory Commission (BTRC) reported approximately 77 million internet subscriptions in August, including an estimated 71 million mobile internet subscriptions (one individual may have more than one subscription). The government prohibited Virtual Private Networks and Voice Over Internet Protocol telephony but rarely enforced this prohibition.

In several incidents the government interfered in internet communications, filtered or blocked access, restricted content, and censored websites or other communications and internet services. It suspended or closed many websites based on vague criteria, or with explicit reference to their pro-opposition content in violation of legal requirements.

The BTRC is charged with the regulation of telecommunications. It carries out law enforcement and government requests to block content by ordering internet service providers to take action. The BTRC filtered internet content the government deemed harmful to national unity and religious beliefs. In August 2016 the BTRC carried out a directive to block 35 news websites that had published material critical of the government and political leaders or were perceived to feature overt support for political opposition groups. Many of the sites remained blocked.

Section 57 of the ICTA criminalizes the posting online of inflammatory or derogatory information against the state or individuals. Opponents of the law said it unconstitutionally restricted freedom of speech. The government used the ICTA and the threat of sedition charges, which carry a possible death penalty, to limit online activity and curtail freedom of expression online.

According to an investigation by the *Daily Star*, the government prosecuted at least 21 journalists in 11 cases under section 57 of the ICTA from March to June.

### **Academic Freedom and Cultural Events**

Although the government placed few restrictions on academic freedom or cultural events, authorities discouraged research on sensitive religious and political topics that might fuel possible religious or communal tensions. Academic publications on the 1971 independence war were also subject to scrutiny and government approval. Appointment of teachers in universities continued to be based on political affiliation.

### **b. Freedoms of Peaceful Assembly and Association**

The constitution provides for the freedoms of peaceful assembly and association, but there were restrictions on both.

#### **Freedom of Peaceful Assembly**

The law provided for the right to peaceful assembly, but the government limited this right. The law gives the government broad discretion to ban assemblies of more than four persons. A Dhaka Metropolitan Police order requires advance permission for gatherings such as protests and demonstrations in Dhaka. According to human rights NGOs, authorities continued to use approval provisions to disallow gatherings by opposition groups. Occasionally, police or ruling party activists used force to disperse demonstrations.

During the year police prevented opposition party members from holding events on multiple occasions. For example, police denied permission to the labor committee of the main opposition party, the BNP, to hold a rally in Dhaka acknowledging Labor Day on May 1, whereas government affiliated groups were allowed to host public events.

Police did not allow members of Bangladesh Jamaat-e-Islami, an NGO that was once a political party, to meet, even for private, indoor meetings. On October 9, police detained nine Jamaat members, including its amir (president), deputy amir, and secretary general from a house in Dhaka's Uttara neighborhood, claiming they were devising plans to create instability in the country.

### **Freedom of Association**

The law provides for the right of citizens to form associations, subject to "reasonable restrictions" in the interest of morality or public order, and the government generally respected this right. The government's NGO Affairs Bureau sometimes withheld its approval for foreign funding to NGOs working in areas the bureau deemed sensitive such as human rights, labor rights, indigenous rights, or humanitarian assistance to Rohingya refugees (see sections 2.d., 5, and 7.a.).

The 2016 Foreign Donations (Voluntary Activities) Regulation Act places additional restrictions on the receipt of foreign funds by NGOs or government officials and provides for punishment of NGOs making any "derogatory" comments regarding the constitution or constitutional institutions (see section 5). The government subsequently announced that a number of NGOs were no longer allowed to operate in the country, including Muslim Aid Bangladesh, Islamic Relief, and Allama Fazlullah Foundation, according to media reports, although it was not known whether the Foreign Donations Act was specifically used to ban them.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights, except in two sensitive areas--the CHT and Cox's Bazar. The government enforced some restrictions on foreigners' access to the CHT.

Starting on August 25, the country experienced an influx of more than 646,000 Rohingya migrants from Burma, more than doubling the existing refugee and

undocumented migrant population in the refugee camps and makeshift settlements in Cox's Bazar, near the Burmese border.

The government had a mixed record of cooperation during the year with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern. For example, the government restricted UNHCR access in the first eight months of the year to only the 33,000 registered Rohingya refugees and did not allow UNHCR access to the undocumented Rohingya population, estimated to be 200,000-500,000 individuals prior to August. They lived in the towns and villages outside the two official refugee camps in Cox's Bazar District. The government also initially denied UNHCR unrestricted access to the new influx of Rohingya refugees during the post-August 25 mass influx. Following advocacy from UNHCR and the international community, the government agreed in late September to allow UNHCR to provide protection and assistance to the full population of Rohingya in Cox's Bazar. The government allowed access to International Organization for Migration (IOM) and other UN agencies to provide services to both the registered and undocumented Rohingya populations in Cox's Bazar, as well as the new arrivals, after August 25.

Abuse of Migrants, Refugees, and Stateless Persons: Prior to the August influx of Rohingya, UNHCR reported 66 survivors of sexual and gender-based violence in the camps who received counseling through March.

In-country Movement: The government is not a party to the Convention and Protocol Relating to the Status of Refugees. The government restricted most of the Rohingya population to the official and makeshift camp areas in Cox's Bazar. It established checkpoints on major routes to stop movement from the border with Burma to the settlement areas and the established camp areas.

Foreign Travel: Some senior opposition officials reported extensive delays in getting their passports renewed; others reported harassment and delays at the airport when departing the country. In March a senior BNP official alleged authorities detained and harassed her for four hours at Hazrat Shahjalal International Airport prior to her departure for Australia despite a court order not to prevent her from traveling abroad. She allegedly faced similar circumstances during her departure for the United Kingdom in July.

Adilur Rahman Khan, the founder of the human rights NGO Odhikar, was detained at the Kuala Lumpur International Airport on July 20 for 14 hours while traveling to a conference entitled “The Abolition of the Death Penalty in Malaysia.” The Asian Human Rights Commission alleged that the Bangladesh government orchestrated Khan’s detention and deportation from Malaysia to Bangladesh.

The government prevented war crimes suspects from the 1971 independence war from leaving the country.

The country’s passports are invalid for travel to Israel, according to Bangladesh policy.

### **Internally Displaced Persons (IDPs)**

Societal tensions and marginalization of indigenous persons continued in the CHT as a result of a government policy initiated during an internal armed conflict that persisted from 1973 to 1997. This policy relocated landless Bengalis from the plains to the CHT with the implicit objective of changing the demographic balance in the CHT to make Bengalis the majority, displacing tens of thousands of indigenous persons.

The IDPs in the CHT had limited physical security. Indigenous community leaders maintained that indigenous persons faced widespread violation of their rights by settlers, sometimes supported by security forces.

In August 2016 the government amended the Chittagong Hill Tracts Land Dispute Resolution Commission Act to curtail the unilateral authority of the commission chair to make decisions on behalf of the commission. The amended act failed to resolve the disputes during the year, as tribal leaders insisted on establishing a governing framework for the law before hearing disputes for resolution. The term of the commission chair, Justice Mohammad Anwarul Haque, ended on September 6, and the government had not appointed his replacement at year’s end.

The number of IDPs in the CHT remained disputed. In 2000 a government task force estimated it to be 500,000, which included nonindigenous as well as indigenous persons. The CHT Commission estimated that slightly more than 90,000 indigenous IDPs dwelled in the CHT. The prime minister pledged to resolve outstanding land disputes in the CHT to facilitate the return of the IDPs and to close the remaining military camps, but the task force on IDPs remained unable to function due to a dispute over classifying settlers as IDPs. The

commission reported that authorities displaced several indigenous families to create border guard camps and army recreational facilities. No land disputes were resolved during the year.

### **Protection of Refugees**

Prior to September the government and UNHCR provided temporary protection and basic assistance to approximately 33,000 registered Rohingya refugees from Burma living in two official camps (Kutupalong and Nayapara), while the government and IOM provided assistance to approximately 200,000 undocumented Rohingya living in makeshift settlements in Cox's Bazaar. As of December the government and UNHCR estimated that 900,000 to one million undocumented Rohingya were in the country, including more than 655,000 Rohingya who entered the country seeking refuge from violence that erupted in Rakhine State, Burma, on August 25. Most of these undocumented Rohingya lived in makeshift settlements and in unofficial sites among the local population in Teknaf and Ukhiya subdistricts of Cox's Bazar District. Led by the Ministry of Foreign Affairs, the government continued to implement a national strategy on Rohingya with six key elements: border management, security, humanitarian assistance, strengthened engagement with Burma, internal coordination on Rohingya problems, and a survey of the undocumented Rohingya.

According to the United Nations, more than 50 percent of the new arrivals since August 25 were female, including approximately 16,000 pregnant women. The new Rohingya arrivals took shelter in jungles, hill villages, and open spaces along the road from Ukhiya to Tenkaf and built homes mostly with bamboo poles and plastic sheets. The government reserved a 3,000-acre tract of land to build a megacamp designed to accommodate the new influx.

The government deployed the military to Cox's Bazar District to streamline relief and rehabilitation activities, and to assist in registration of Rohingya in coordination with the civilian administration. The Ministry of Home Affairs instructed law enforcement agencies to provide protection to the Rohingya people and their camps. Senior government ministers stated that the new arrivals would not be recognized as refugees, referring to them as "forcibly displaced Myanmar nationals."

Access to Asylum: The law does not provide for granting asylum or refugee status, nor has the government established a formal system for providing protection to refugees. The government provided some protection and assistance to Rohingya

from Burma resident in the country. The government cooperated with UNHCR to provide temporary protection and basic assistance to registered refugees resident in two official camps. After the August 25 influx of Rohingya refugees, the government started to register the new arrivals biometrically and provided identity cards with their Burmese address. As of mid-December more than 844,000 Rohingya had been registered biometrically, to include the more than 655,000 new arrivals since August 25 and Rohingya who had arrived earlier.

Freedom of Movement: There were restrictions on Rohingyas' freedom of movement. According to the 1993 memorandum of understanding between Bangladesh and UNHCR, registered refugees are not permitted to move outside of the two camps. After the August 25 influx, police set up checkpoints on the roads to restrict Rohingya travel beyond the government-designated areas.

Employment: The government did not authorize Rohingya refugees living in the country to work locally. Despite their movement restrictions, some refugees worked illegally as manual laborers or rickshaw pullers in the informal economy. Undocumented Rohingya also worked illegally, mostly in day-labor jobs.

Access to Basic Services: Working with UNHCR, the government continued to improve aspects of the official refugee camps following findings in recent years that sanitation, nutrition, and shelter conditions had fallen below minimum international standards. Some basic needs remained unmet, and the camps remained overcrowded, with densities on par with the country's urban slums; this worsened after the August 25 influx. A 2014 nutrition survey report from UNHCR and World Food Program stated the prevalence of malnourished (stunted) and underweight children in refugee camps remained higher than in the rest of the country and above the emergency threshold levels set by the World Health Organization.

Public education, while mandatory as of 2010 through eighth grade throughout the country, expanded during the year to include through the seventh grade in the official refugee camps, compared with the fifth grade in previous years. The government permitted UNHCR to design and operate a nonformal, basic education program in the official camps, which reached an estimated 8,000 youth (ages three-14). The government allowed international NGOs to provide informal education to Rohingya outside the official refugee camps, starting with a group of 10,000 students.

Government authorities did not allow registered or unregistered Rohingya formal and regular access to public health care. Instead, UNHCR and NGOs provided basic health services in the official camps to registered refugees, and IOM provided health services to the unregistered Rohingya in the makeshift sites and access to local hospitals as needed.

Six international NGOs provided basic services to undocumented Rohingya and to surrounding impoverished host communities prior to the August 25 Rohingya influx. In response to the crisis, the government allowed additional NGOs to work in Cox's Bazar. Some organizations reported delays in obtaining necessary permits for working with the Rohingya.

### **Stateless Persons**

The Rohingya in the country were legally or de facto stateless. They could not acquire citizenship, nor does the government of Burma recognize them as citizens.

### **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

### **Elections and Political Participation**

Recent Elections: BNP, the main opposition party, boycotted the 2014 parliamentary elections in protest of the ruling party's refusal to hold the elections under a neutral, caretaker government. This left more than half of all seats uncontested and many more only nominally contested. Prime Minister Hasina and the ruling Awami League party retained power with 235 of 300 elected seats. Because of its boycott, the BNP held no seats in parliament. The official opposition party, the Jatiya Party, which had 36 elected seats, was also part of the ruling coalition. Parties that supported the government held most of the remaining seats. Sheikh Hasina's cabinet included representatives from the other parties in her coalition. International observers regarded these elections as flawed.

Political Parties and Political Participation: The political party that wins elections enjoys significant advantages, including preferential employment and government contracts. The government mobilized law enforcement resources to level civil and

criminal charges against opposition party leaders, including charging BNP leader Khaleda Zia with sedition and graft.

The government accused BNP secretary general Mirza Fakhrul Islam Alamgir in 86 criminal cases of involvement in attacks on police, burning buses, and throwing bombs. Other opposition activists faced criminal charges. Jamaat leaders could not operate openly because they were harassed by law enforcement and were blamed by the Awami League for terrorism. Media outlets critical of the government and Awami League were subject to government intimidation and cuts in revenue, and they practiced self-censorship to avoid adverse responses from the government. Awami League-affiliated organizations (such as the student wing) reportedly carried out violence and intimidation around the country with impunity, including against individuals affiliated with opposition groups.

In some instances the government interfered with the right of opposition parties to organize public functions and restricted the broadcasting of opposition political events. Jamaat's appeal of a 2012 Supreme Court decision canceling the party's registration remained pending at year's end.

Participation of Women and Minorities: No laws limit participation of women and/or members of minorities in the political process, and they did participate.

#### **Section 4. Corruption and Lack of Transparency in Government**

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

Corruption: Corruption remained a serious problem. According to Anti-Corruption Commission (ACC) data, 164 of the 12,704 filed cases were disposed (brought to completion) in the first eight months of the year. Of these, 110 resulted in conviction and 54 resulted in acquittal; 360 cases against government officials, business leaders, and political leaders were stayed by the High Court and did not progress.

On July 26, the ACC introduced a hotline to receive corruption complaints. The call center received 75,000 calls in the first seven days and approximately 200,000 calls in two months. Most of the complaints implicated government land offices, hospitals, railway and road transportation authorities, schools, and utility services in corruption.

The ACC continued to pursue a case filed in 2007 against Housing and Public Works Minister Mosharraf Hossain for amassing illegal wealth worth 30 million taka (\$383,000). On February 7, a Chittagong court granted Hossain bail after he surrendered to a trial court in compliance with a 2016 Supreme Court order. While the High Court in 2012 stayed the proceedings against Hossain, the appellate division of the Supreme Court nullified the High Court order and asked the ACC to continue the proceedings.

In some cases the government allegedly used the ACC as a political tool, including having the ACC initiate or threaten inquiries into some businesspeople, newspaper owners, and civil society members for criticizing the government. On August 17, the Supreme Court rebuked the ACC for maintaining a “pick and choose” policy with regard to pursuing corruption allegations against politically connected individuals.

The government took steps to address widespread police corruption through continued expansion of its community policing program and through training.

Financial Disclosure: The law requires candidates for parliament to file statements of personal wealth with the Election Commission. The law does not require income and asset disclosure by officials. The ACC has responsibility for investigating complaints of illegally gained wealth, but it dropped investigations of some politicians for amassing wealth unexplained by known sources of income after parliamentary candidates stated they made mistakes on their wealth affidavits.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A number of domestic and international human rights groups generally operated with some government restrictions, investigating and publishing their findings on human rights cases. Government officials rarely were cooperative and responsive to their views.

Although human rights groups often sharply criticized the government, they also practiced some self-censorship. Observers noted that a “culture of fear” had diminished the strength of civil society, exacerbated by threats from extremists and an increasingly entrenched leading political party. Even civil society members affiliated with the ruling party reported receiving threats of arrest from the security forces for their public criticism of government policies.

The government continued to restrict the funding and operations of the human rights organization Odhikar. Although the ACC dropped a case against Odhikar in June 2016, Odhikar representatives continued to report harassment by government officials and security forces, including disruption of their planned events. Family members and Odhikar staff reported additional harassment and claimed security officers constantly surveilled their telephone calls, emails, and movements.

The government required all NGOs, including religious organizations, to register with the Ministry of Social Welfare. Local and international NGOs working on sensitive topics or groups, such as religious issues, human rights, indigenous peoples, LGBTI communities, Rohingya refugees, or worker rights, faced both formal and informal governmental restrictions. Some of these groups claimed intelligence agencies monitored them. The government sometimes restricted international NGOs' ability to operate through delays in project registration, cease-and-desist letters, and visa refusals. Some civil society members reported repeated audits by the National Board of Revenue in contrast with most citizens, who were almost never audited.

The Foreign Donations (Voluntary Activities) Regulation Act restricts foreign funding of NGOs and includes punitive provisions for those NGOs that make “derogatory” comments regarding the constitution of the country, its founding history, or constitutional bodies (i.e., government institutions and leaders).

The United Nations or Other International Bodies: The government had not responded to a UN Working Group on Enforced Disappearances request to visit the country.

Government Human Rights Bodies: The National Human Rights Commission (NHRC) has seven members, including five honorary positions. Observers noted that the NHRC's small government support staff was inadequate and underfunded, limiting the commission's effectiveness and independence. The NHRC's primary activity was educating the public about human rights and advising the government on key human rights issues.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: The law prohibits rape of a female by a male and physical spousal abuse, but the law excludes marital rape if the female is above 13. Rape can be punished by life imprisonment or the death penalty.

There were reports of sexual violence with impunity. On April 2, female police constable Halima Begum of Gouripur Police Station in Mymensingh committed suicide after her alleged rape by Sub-Inspector (SI) Mizanul Islam of the same police station. Halima's diary, which included an entry about her rape by SI Islam, contained also a written complaint to the Officer-in-Charge (OC) of Gouripur Police Station against SI Islam regarding the rape, which the OC did not accept when she submitted it. After Halima's suicide, police arrested SI Islam.

According to human rights monitors, many victims did not report rapes due to lack of access to legal services, social stigma, or fear of further harassment and the legal requirement to furnish witnesses.

Other Harmful Traditional Practices: Some NGOs reported violence against women related to disputes over dowries. During the year ASK documented 221 women who were victims of dowry-related violence.

A Supreme Court Appellate Division ruling allows the use of "fatwas" (religious edicts) only to settle religious matters; fatwas may not be invoked to justify punishment, nor may they supersede secular law. Islamic tradition dictates that only those religious scholars with expertise in Islamic law may declare a fatwa. Despite these restrictions, village religious leaders sometimes made such declarations. The declarations resulted in extrajudicial punishments, often against women, for perceived moral transgressions.

Incidents of vigilantism against women occurred, sometimes led by religious leaders enforcing fatwas. The incidents included whipping, beating, and other forms of physical violence.

Assailants threw acid in the faces of victims--usually women--leaving them disfigured and often blind. Acid attacks were often related to a woman's refusal to accept a marriage proposal or were related to land disputes.

The law seeks to control the availability of acid and reduce acid-related violence directed toward women, but lack of awareness of the law and poor enforcement limited its effect. The Commerce Ministry restricted acid sales to buyers registered with relevant trade organizations.

Sexual Harassment: Although sexual harassment is prohibited by a 2009 High Court guideline, a June 2016 Bangladesh National Woman Lawyers' Association (BNWLA) document noted that harassment remained a problem and monitoring and enforcement of the guidelines were poor, which sometimes prevented girls from attending school or work.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: [www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

Discrimination: The constitution declares all citizens equal before the law with entitlement to equal protection of the law. It also explicitly recognizes the equal rights of women to those of men "in all spheres of the state and of public life." Nevertheless, women do not enjoy the same legal status and rights as men in family, property, and inheritance law. Under traditional Islamic inheritance law, daughters inherit only half of what sons do. Under Hindu inheritance law, a widow's rights to her deceased husband's property are limited to her lifetime and revert to the male heirs upon her death.

## **Children**

Birth Registration: Individuals are born citizens if their parents were Bangladeshi citizens, if the nationality of the parents is unknown and the child is born in Bangladeshi territory, or if their fathers or grandfathers were born in the territories that are now part of the country. If a person qualifies for citizenship through ancestry, the father or grandfather must have been a permanent resident of these territories in or after 1971. Birth registration is required to obtain a national identity card or passport. For more information, see <http://www.data.unicef.org>.

Education: Education is free and compulsory through eighth grade by law, and the government offered subsidies to parents to keep girls in class through 10th grade. Despite free classes, teacher fees, books, and uniforms remained prohibitively costly for many families, and the government distributed hundreds of millions of free textbooks to increase access to education. Enrollments in primary schools showed gender parity, but completion rates fell in secondary school, with more girls than boys completing that level. Early and forced marriage was a factor in girls' attrition from secondary school.

Child Abuse: Many forms of child abuse, including sexual abuse, physical and humiliating punishment, child abandonment, kidnapping, and trafficking, continued to be serious and widespread problems. Children were vulnerable to abuse in all settings: home, community, school, residential institutions, and the workplace. In October 2016 the government, with support from UNICEF, launched “Child Helpline--1098,” a free telephone service designed to help children facing violence, abuse, and exploitation.

Despite advances, including establishing a monitoring agency in the Ministry of Home Affairs, trafficking of children and inadequate care and protection for survivors of trafficking continued to be problems. Child labor and abuse at the workplace remained problems in certain industries, mostly in the informal sector, and child domestic workers were vulnerable to all forms of abuse at their informal workplaces.

Early and Forced Marriage: The legal age of marriage is 18 for women and 21 for men. On February 27, parliament passed the Child Marriage Restraint Act, which includes a provision for marriages of women and men at any age in “special circumstances.” The government ignored the recommendations and concerns raised by child rights organizations, human rights organizations, and development partners concerning this act. On April 10, the High Court ruled that the government should explain why the provision allowing the marriage of a minor should not be declared illegal in response to a writ petition filed by BNWLA. BNWLA’s petition argued that the Muslim Family Law describes marriage as a “contract” and a minor could not be a party to a contract.

In an effort to reduce early and forced marriages, the government offered stipends for girls’ school expenses beyond the compulsory fifth-grade level. The government and NGOs conducted workshops and public events to teach parents the importance of their daughters waiting until age 18 before marrying

Sexual Exploitation of Children: The penalty for sexual exploitation of children is 10 years’ to life imprisonment. Child pornography and the selling or distributing of such material is prohibited.

Displaced Children: See section 2.d.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the

Department of State's *Annual Report on International Parental Child Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

### **Anti-Semitism**

There was no Jewish community in the country, but politicians and imams reportedly used anti-Semitic statements to gain support from their constituencies. In one high-profile case, ruling party politicians leveraged anti-Semitic sentiment for political gain by accusing an opposition leader of colluding with Israeli intelligence services. A high-profile grand imam was also known for issuing fatwas and publishing text on Zionist conspiracies to garner support for the AL-led government.

### **Trafficking in Persons**

See the State Department's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law provides for equal treatment and freedom from discrimination for persons with disabilities, but the government did not effectively enforce these provisions.

Although the law requires physical structures be made accessible to those with disabilities, the government did not implement the law effectively. A report prepared by several NGOs in 2016 highlighted negligence in areas such as accessibility in physical structures, access to justice, rights of women with disabilities, freedom from exploitation, violence and abuse, the right to education and health and a decent work place, the right to employment, and political rights and representation.

The law requires persons with disabilities to register for identity cards to track their enrollment in educational institutions and access to jobs. This registration allows them to be included in voter lists, to cast votes, and to participate in elections. It states that no person, organization, authority, or corporation shall discriminate against persons with disabilities and allows for fines) or three years' imprisonment for giving unequal treatment for school, work, or inheritance based on disability, although implementation of the law was uneven. The law also created a 27-member National Coordination Committee charged with coordinating relevant activities among all government organizations and private bodies to fulfill the

objectives of the law. Implementation of the law was slow, delaying the formation and functioning of Disability Rights and Protection Committees required by the legislation.

According to the NGO Action against Disability, 90 percent of children with disabilities did not attend public school. The government trained teachers about inclusive education and recruited disability specialists at the district level. The government also allocated stipends for students with disabilities.

The law affords persons with disabilities the same access to information rights as nondisabled persons, but family and community dynamics often influenced whether these rights were exercised.

The law identifies persons with disabilities as a priority group for government-sponsored legal services. The Ministry of Social Welfare, Department of Social Services, and National Foundation for the Development of the Disabled are the government agencies responsible for protecting the rights of persons with disabilities.

Government facilities for treating persons with mental disabilities were inadequate. The Ministry of Health established child development centers in all public medical colleges to assess neurological disabilities. Several private initiatives existed for medical and vocational rehabilitation as well as for employment of persons with disabilities. National and international NGOs provided services and advocated for persons with disabilities. The government established 103 disability information and service centers in all 64 districts, where local authorities provided free rehabilitation services and assistive devices. The government also promoted autism research and awareness.

### **National/Racial/Ethnic Minorities**

Violent attacks against religious minority communities continued, apparently motivated by transnational violent extremism as well as economic and political reasons. For example, on November 11, media reports indicated that approximately 30 Hindu houses were vandalized and burned in Rangpur by local Muslims in response to a rumored Facebook post demeaning Islam.

NGOs reported that national origin, racial, and ethnic minorities faced discrimination. For example, some Dalits (lowest-caste Hindus) had restricted access to land, adequate housing, education, and employment.

## **Indigenous People**

The CHT indigenous community experienced widespread discrimination and abuse despite nationwide government quotas for participation of indigenous CHT residents in the civil service and higher education. These conditions also persisted despite provisions for local governance in the 1997 CHT Peace Accord, which had not been implemented. Indigenous persons from the CHT were unable to participate effectively in decisions affecting their lands due to disagreements regarding the structure and policies of the land commission.

The central government retained authority over land use. The land commission, designed to investigate and return all illegally acquired land, did not resolve any disputes during the year.

Indigenous communities in areas other than the CHT reported the loss of land to Bengali Muslims, and indigenous peoples' advocacy groups reported continued land encroachment by Rohingya settlers from Burma. The government continued construction projects on land traditionally owned by indigenous communities in the Moulvibazar and Modhupur forest areas.

On February 7, the High Court ordered the government to relieve Ashraful Islam, superintendent of police of Gaibandha District, of his duties for failure to cooperate with a judicial inquiry into the November 2016 arson attacks on the Santal tribe in Gobindaganj Upazila. A police probe identified two law enforcement officers as responsible for setting fire to Santal homes. Leaders among the Santal, a mostly Christian indigenous group that numbers approximately 500,000, alleged that many other police personnel were involved in the clash over land ownership with the workers of a sugar mill. The Santal community blamed several local Awami League leaders for the attack on the Santal village.

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

Consensual same-sex sexual activity is illegal under the law. LGBTI groups reported police used the law as a pretext to bully LGBTI individuals, as well as those considered effeminate regardless of their sexual orientation, and to limit registration of LGBTI organizations. Some groups also reported harassment under a suspicious behavior provision of the police code. The transgender population has long been a marginalized, but recognized, part of society, but it faced continued

high levels of fear, harassment, and law enforcement contact in the wake of violent extremist attacks against vulnerable communities.

Members of LGBTI communities received threatening messages via telephone, text, and social media, and some were harassed by police.

In May, RAB forces raided the Chayaneer Community Center in Keranigan during a dinner organized by the LGBTI community from that area. According to witnesses, 28 individuals were arrested of the 120 persons present at the time of the raid. The witnesses also stated RAB separated the diners into small groups and beat them before identifying individuals for arrest. During the raid RAB announced to the media the raid was conducted based on suspicion of homosexual activity and allowed the media to photograph some of the arrested individuals. RAB later announced the attendees were not engaged in “illegal sexual activities” at the time of the raid and were instead arrested for possession of narcotics-- specifically “yaba” (a combination of methamphetamine and caffeine) and cannabis. The court system remanded four of the individuals. Of the remaining 24 individuals, 12 were detained for further questioning and 12 were sent directly to jail.

Following these events and continued harassment, many members of LGBTI communities, including the leadership of key support organizations, continued to reduce their activities and sought refuge both inside and outside of the country. This resulted in severely weakened advocacy and support networks for LGBTI persons. Organizations specifically assisting lesbians continued to be rare. Strong social stigma based on sexual orientation was common and prevented open discussion of the subject.

### **HIV and AIDS Social Stigma**

Social stigma against HIV and AIDS and against higher-risk populations could be a barrier for accessing health services, especially for the transgender community and men who have sex with men.

### **Other Societal Violence or Discrimination**

Vigilante killings occurred. Local human rights organizations acknowledged the number of reported cases probably represented only a small fraction of the actual incidents. Illegal fatwas and village arbitration, which a prominent local NGO defined as rulings given by community leaders rather than religious scholars, also

occurred. According to Odhikar, 21 individuals suffered from vigilante killing from January through June, primarily by public lynching.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right to join unions and, with government approval, the right to form a union, although labor rights organizations said that cumbersome requirements for union registration remained. The law requires a minimum of 30 percent of an enterprise's total workforce to agree to be members before the Ministry of Labor and Employment may grant approval for registration of a union. The ministry may request a court to dissolve the union if membership falls below 30 percent. The law allows only wall-to-wall (entire factory) bargaining units. The labor law definition of workers excludes managerial, supervisory, and administrative staff. Firefighting staff, security guards, and employers' confidential assistants may not join a union. Civil service and security force employees are prohibited from forming unions. The ministry may deregister unions for other reasons with the approval of a labor court. The law affords unions the right of appeal in the cases of dissolution or denial of registration. Export processing zones (EPZs), which do not allow trade union participation, are a notable exception to the national labor law (see below).

Prospective unions continued to report rejections based on reasons not listed in the labor law. The Ministry of Labor and Employment reported the country had 7,751 trade unions, covering nearly three million workers, with 596 unions in the garment sector, including 464 new unions in the garment sector since 2013. The ministry reported that the shrimp sector had 16 unions and the leather and tannery sector had 13. According to the Solidarity Center, a significant number (122) of the unions in the readymade garment (RMG) sector were no longer active during the year due to factory closures or alleged unfair labor practices on the part of employers. After a rise in applications in 2015, the trade union application rate decreased notably in 2016, but it saw an increase during the year after considerable pressure from the international community. Union registration rates in Chittagong were typically lower than in Dhaka, and continuing antiunion behavior in Chittagong depressed union applications. Solidarity Center also reported that 399 RMG factories had unions, and some of these factories had more than one.

The law provides for the right to conduct legal strikes but with many limitations. For example, the government may prohibit a strike deemed to pose a "serious

hardship to the community” and may terminate any strike lasting more than 30 days. The law additionally prohibits strikes for the first three years of commercial production or if the factory was built with foreign investment or owned by a foreign investor. Workers and union activists continued to face repercussions from widespread strikes that occurred in December 2016 in Ashulia, an industrial suburb of Dhaka. During the strikes approximately 60 factories experienced work stoppages when thousands of workers went on strike to demand wage increases. The country’s major labor federations did not organize the strike and advised their members not to strike. At least 26 labor leaders in Ashulia, Gazipur, and Chittagong were detained and arrested by local authorities for a range of allegations, including charges under the Special Powers Act, and between 1,500 and 3,500 workers were terminated. While factories resumed operations on December 26, 2016, labor leaders and workers continued to report police harassment, intimidation, and an increase in general antiunion behavior through most of the year. Intimidation tactics included frequent police visits to union meetings and offices, police taking pictures and video recordings of union meetings, and police monitoring of NGOs involved in supporting trade unions. While most workers from the Ashulia labor unrest were reinstated, labor leaders had cases pending against them despite international pressure to resolve these cases.

In response to the Ashulia unrest, the government formed a permanent tripartite consultative council (TCC) to address labor concerns in the garment industry. The state minister for labor and employment and the ministry’s deputy secretary serve as president and secretary of the 20-member council. The council also includes six representatives from the Bangladesh Garment Manufacturers and Exporters Association (BGMEA) and Bangladesh Knitwear Manufacturers and Exporters Association, six additional representatives from the government, and six worker representatives. The council was supposed to meet at least three times a year, but the president may convene ad hoc meetings as needed. Labor leaders expressed concern that worker representatives were appointed, not elected, and that some of the appointed council members were either not active in the RMG industry, were leaders of very small federations, or were closely aligned with industry.

The TCC’s first case was an investigation into the dispute between the Bangladesh Independent Garments Workers Union Federation (BIGUF) and the Azim Group, a manufacturer operating multiple factories. Workers and labor leaders alleged that factory owners and police intimidated and physically harassed them due to their attempts to form a union at two factories in Chittagong owned by the Azim Group (Savar Sweater Ltd. and Orchid Sweater Ltd.). BIGUF’s application to form a

union was rejected four times within two and one-half years. Workers and labor leaders alleged that prounion workers and BIGUF activists were physically attacked on May 27 outside the factory gates. In June an owner-aligned group calling itself the Chittagong Workers Unity Council also staged several protests and distributed flyers featuring an image of a noose around the neck of a well-known BIGUF leader and calling for his death. Additionally, Azim Group terminated more than 200 workers at its factories during the year. Labor leaders alleged the terminations were due to workers' affiliations with BIGUF, which the Azim Group denied.

Legally registered unions are entitled to submit charters of demands and bargain collectively with employers. This occurred rarely, but instances were increasing. The law provides criminal penalties for unfair labor practices such as retaliation against union members for exercising their legal rights. Labor organizations reported that in some companies, workers did not exercise their collective bargaining rights due to their unions' ability to address grievances with management informally or due to fear of reprisal.

The law includes provisions protecting unions from employer interference in organizing activities; however, employers, particularly in the readymade garment industry, often interfered with this right. Labor organizers reported acts of intimidation and abuse, the termination of employees, and scrutiny by security forces and the intelligence services. Labor rights NGOs alleged that some terminated union members were unable to find work in the sector because employers blacklisted them. The BGMEA reported that some factory owners complained of harassment from organized labor, including physical intimidation, but statistics and specific examples were unavailable.

According to 2013 amendments to the labor law, every factory with more than 50 employees is required to have an elected Workers' Participation Committee (WPC). In 2015 the government passed the Bangladesh Labor Rules called for in the amended law. The rules include an outline of the process for WPC elections.

A separate legal framework under the authority of the Bangladesh Export Processing Zone Authority (BEPZA) governs labor rights in the EPZs, with approximately 458,000 workers. EPZ law specifies certain limited associational and bargaining rights for Worker Welfare Associations (WWAs) elected by the workers, such as the rights to bargain collectively and represent their members in disputes. The law prohibits unions within EPZs. While an earlier provision of the EPZ law banning all strikes under penalty of imprisonment expired in 2013, the

law continues to provide for strict limits on the right to strike, such as the discretion of the BEPZA's chairperson to ban any strike he views as prejudicial to the public interest. The law provides for EPZ labor tribunals, appellate tribunals, and conciliators, but those institutions were not established. Instead eight labor courts and one appellate labor court heard EPZ cases. The BEPZA has its own inspection regime with labor counselors that function as inspectors. WWAs in EPZs are prohibited from establishing any connection to outside political parties, unions, federations, or NGOs. There were no reports of legal strikes in the EPZs.

During the year governments and the ILO, through the Sustainability Compact process, continued to urge the country to make progress on freedom of association issues, including the draft EPZ law, and to continue to investigate alleged acts of antiunion discrimination. In response, the government drafted standard operating procedures regarding union registration and recalled from parliament the draft Export Processing Zone Labor Act. With the exception of limitations on the right of association and worker protections in the EPZs, national labor law prohibits antiunion discrimination. A labor court may order the reinstatement of workers fired for union activities, but this right was rarely exercised.

The government did not always enforce applicable law effectively or consistently. For example, labor law establishes mechanisms for conciliation, arbitration, and dispute resolution by a labor court. It also establishes that workers in a collective-bargaining union have the right to strike in the event of a failure to reach a settlement. Few strikes followed the cumbersome legal requirements, however, and strikes or walkouts often occurred spontaneously.

Penalties for violating the law increased in 2013, enabled by the issuance of implementing rules. The maximum fine for a first violation is 25,000 taka (\$313); the fine doubles for a second offense. The law also allows for imprisonment of up to three years. If a violation results in death, the law allows a fine of up to 100,000 taka (\$1,250), four years' imprisonment, or both. Administrative and judicial appeals were subject to lengthy delays.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. Penalties for forced or bonded labor offenses are five to 12 years' imprisonment and a fine of not less than 50,000 taka (\$625). Inspection mechanisms that enforce laws against forced labor did not function effectively. Resources, inspections, and remediation efforts were

inadequate. The law also provides that victims of forced labor have access to shelter and other protective services afforded to trafficking victims.

Some individuals recruited to work overseas with fraudulent employment offers subsequently were exploited abroad under conditions of forced labor or debt bondage. Many migrant workers assume debt to pay high recruitment fees, imposed legally by recruitment agencies belonging to the Bangladesh Association of International Recruiting Agencies and illegally by unlicensed subagents.

Some instances of bonded labor and domestic service were reported, predominately in rural areas. Children and adults were forced into domestic servitude and bonded labor that involved restricted movement, nonpayment of wages, threats, and physical or sexual abuse (see section 7.c.).

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law regulates child employment, and the regulations depend on the type of work and the child's age. The minimum age for work is 14, and the minimum age for hazardous work is 18. The law allows for certain exceptions, permitting children who are ages 12 or 13 to perform restricted forms of light work. Minors may work up to five hours per day and 30 hours per week in factories or up to seven hours per day and 42 per week in other types of workplaces. By law every child must attend school through fifth grade.

The labor ministry's enforcement mechanisms were insufficient for the large, urban informal sector, and authorities rarely enforced child labor laws outside the export-garment and shrimp-processing sectors. Agriculture and other informal sectors that had no government oversight employed large numbers of children.

Under the ministry's 2012-16 child labor national plan of action, the National Child Labor Welfare Council is charged with monitoring child labor. The council met only twice, however, since its inception. The government mandated child protection networks at district and subdistrict levels to respond to a broad spectrum of violations against children, including child labor; to monitor interventions; and to develop referral mechanisms.

The law specifies penalties for violations involving child labor, including nominal fines of less than 5,000 taka (\$63). These penalties insufficiently deterred violations. The government occasionally brought criminal charges against employers who abused domestic servants.

In October the government released a study on child labor, which claimed that 80 percent of working children were engaged in risky jobs in urban areas. The study, completed by the Implementation, Monitoring, and Evaluation Division under the Ministry of Planning, stated that 24 percent of working children were involved in workplace accidents, while 26 percent worked in unhygienic conditions. The study revealed that the average child laborer earned 100 taka (\$1.23) per eight-hour workday.

Child labor was widespread in the informal sector and in domestic work. According to a 2016 Overseas Development Institute report based on a survey of 2,700 households in Dhaka's slums, 15 percent of six- to 14-year-old children were out of school and engaged in full-time work. These children were working well beyond the 42-hour limit set by national legislation.

According to the ILO, agriculture was the primary employment sector for boys, and services was the main sector for girls. According to Young Power in Social Action, an NGO working to protect the rights of shipbreakers in Chittagong, 11 percent of the shipbreaking workforce was under the age of 18. NGOs, such as Shipbreaking Platform, reported laborers worked long hours without training, safety equipment, holidays, and adequate health care, and also without contractual agreements. At least 16 workers died in the industry in 2015.

Children were engaged in the worst forms of child labor, primarily in dangerous activities in agriculture. Children working in agriculture risked using dangerous tools, carrying heavy loads, and applying harmful pesticides. Children frequently worked long hours, were exposed to extreme temperatures, and suffered high rates of injury from sharp tools. Children also worked in such hazardous activities as stone and brick breaking, dyeing operations, blacksmith assistance, and construction. Forced child labor was present in the fish-drying industry, where children were exposed to harmful chemicals, dangerous machines, and long hours of work. In urban areas street children worked pulling rickshaws, garbage picking, recycling, vending, begging, repairing automobiles, and working in hotels and restaurants. These children were vulnerable to exploitation, for example, in forced begging or being used to smuggle or sell drugs.

Children frequently worked in the informal sector in areas including the unregistered garment, road transport, manufacturing, and service industries.

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment and Occupation**

The labor law prohibits wage discrimination on the basis of sex or disability, but it does not prohibit other discrimination based on sex, disability, social status, caste, sexual orientation, or similar factors. The constitution prohibits adverse discrimination by the state on the basis of religion, race, caste, sex, or place of birth and expressly extends that prohibition to government employment; it allows affirmative action programs for the benefit of disadvantaged populations.

The lower-wage garment sector traditionally offered greater employment opportunities for women. Women represented the majority of garment-sector workers, making up approximately 56 percent of the total RMG workforce according to official statistics although statistics varied widely due to a lack of data. The ILO estimated that women made up 65 percent of the RMG workforce. Despite representing a majority of total workers, women were generally underrepresented in supervisory and management positions and generally earned less than their male counterparts, even when performing similar functions. A study by Andreas Menzel (Center for Economic Research and Graduate Education--Economics Institute) and Christopher Woodruff (Oxford University) during the year found that women earned lower wages in export-oriented garment factories, even after controlling for worker productivity. According to the study, approximately two-thirds of the wage gap remained even after controlling for skills, which the study attributed to higher mobility for male workers. Women were also subjected to abuse in factories, including sexual harassment.

Some religious, ethnic, and other minorities reported discrimination, particularly in the private sector (see section 6).

#### **e. Acceptable Conditions of Work**

The National Minimum Wage Board established minimum monthly wages on a sector-by-sector basis. The board may convene at any time, but it is supposed to meet at least every five years in a tripartite forum to set wage structures and benefits industry by industry. By law the government may modify or amend wage

structures through official public announcement in consultation with employers and workers. In the garment industry, the board set the minimum monthly wage at 5,300 taka (\$66) in 2013. Wages in the apparel sector often were higher than the minimum wage, and wages in the EPZs typically were higher than general wage levels--5,500 taka (\$70) per month, according to BEPZA. Among the lowest minimum wages were those for tea packaging, set in 2013 at 69 taka (\$0.86) per day as established by a memorandum of understanding. None of the set minimum wages provided a sufficient standard of living for urban dwellers. The minimum wage was not indexed to inflation (which averaged 7 to 8 percent annually), but the board occasionally made cost-of-living adjustments to wages in some sectors.

By law a standard workday is eight hours. A standard workweek is 48 hours but may be extended to 60 hours, subject to the payment of an overtime allowance that is double the basic wage. Overtime cannot be compulsory. Workers must have one hour of rest if they work for more than eight hours a day or a half-hour of rest for more than five hours' work a day. Factory workers are supposed to receive one day off every week. Shop workers receive one and one-half days off per week. The law establishes occupational health and safety standards, and amendments to the law created mandatory worker safety committees. The law says that every worker should be allowed at least 11 festival holidays with full wages in a year. The days and dates for such festivals may be fixed by the employer.

Labor law implementing rules outline the process for the formation of occupational safety and health committees in factories, and the government reported that approximately 2,174 safety committees were formed as of July. The committees include both management and workers nominated by the union or the factory's WPC. Where there is no union or WPC, the labor ministry arranges an election among the workers for their representatives.

The government did not effectively enforce minimum wage, hours of work, and occupational safety and health standards in all sectors. Although increased focus on the garment industry improved compliance in some garment factories, resources, inspections, and remediation were generally not adequate across sectors, and penalties for violations were not sufficient to deter violations.

The Ministry of Labor and Employment's resources were inadequate to inspect and remediate problems effectively, and the ministry lacked authority to sanction employers directly without filing a court case. The ministry nonetheless took steps to increase its staff and technical capacity. As of April the Department of

Inspections of Factories and Establishments reported it had 311 active inspectors, of whom 269 had been hired after the Rana Plaza building collapse in 2013.

The 2013 Rana Plaza building collapse killed 1,138 workers and injured more than 2,500. In the aftermath of the collapse, private companies, foreign governments, and international organizations worked with the government to inspect more than 3,780 garment factories. These efforts led to 231 closures of factories for imminent danger to human life as of July. Many factories began to take action to improve safety conditions, although remediation in many cases proceeded slowly due to a range of factors, including failure to obtain adequate financing. Two private buyers' initiatives, the Alliance and the Accord, conducted initial fire and safety inspections of 2,400 factories, but government oversight and enforcement of garment factories outside of these initiatives remained limited. These initiatives also covered only the formal readymade garment industry, leaving thousands of informal garment and nongarment factories without proper oversight. Boiler or chemical-related explosions increased focus on nonfire industrial accidents. On September 20, a fire at Ideal Textile Mill in Munshiganj, a Dhaka-area suburb, left six factory workers dead. According to press reports, the fire started in the first floor of the factory building, where chemicals were being stored.

The court case against Sohel Rana, the owner of Rana Plaza, and 40 other individuals on charges including murder began in July 2016. On August 29, Rana received a maximum three-year sentence for failing to declare his personal wealth to an antigraft commission. The murder trial against Rana and others continued.

A trial against those implicated in the 2012 Tazreen Fashions fire started on January 9 after charges were brought against 13 individuals, including chairman Mahmuda Akhter and managing director Delwar Hossain, in September 2015. Media reported that the trial was stalled at year's end.

Workers' groups stated that safety and health standards established by law were sufficient and that more factories took steps toward compliance. The law provides for a maximum fine of 25,000 taka (\$313) for noncompliance, but this did not deter violations.

Legal limits on hours of work were violated routinely. In the RMG sector, employers often required workers to labor 12 hours a day or more to meet export deadlines, but they did not always properly compensate workers for their time. According to the Solidarity Center, workers often willingly worked overtime in excess of the legal limit. Employers commonly delayed workers' pay or denied

full leave benefits. Labor ministry inspections did not report any overtime violations.

Few reliable labor statistics were available on the large informal sector in which the majority of citizens worked, and it was difficult to enforce labor laws in the sector. The BBS 2010 Labor Force Survey reported the informal sector employed 47.3 million of the 56.7 million workers in the country.