

BANGLADESH

During the past year, Bangladesh has been in the throes of a major political and constitutional crisis, the resolution of which will determine whether religious freedom and other universal human rights will be protected by democratic institutions and the rule of law or whether the country will continue on a downward spiral toward authoritarianism and intolerance. In January 2007, a state of emergency was declared, normal political activities banned, and previously scheduled national elections indefinitely postponed. Recent deviations from democratic norms and reports of serious human rights abuses raise troubling questions about the future prospects for respect for a range of freedoms, including potentially freedom of religion or belief. The Commission placed Bangladesh on its Watch List in 2005 due to a number of concerns:

- Islamist radicalism and violence, as well as the then government's initial downplaying of the problem;
- the anti-minority, particularly anti-Hindu, violence that occurred following the last general election in 2001 and the failure to investigate and hold perpetrators to account for that violence and other instances of violence against members of religious minorities;
- the inadequate police response to the sometimes violent campaign against the minority Ahmadi religious community;
- discrimination against members of religious minority communities in public employment and access to government services; and
- the repeated and sometimes fatal attacks against journalists, authors, and academics for debating sensitive social or political issues or otherwise expressing opinions deemed by militants to be offensive to Islam.

These concerns led the Commission to visit Bangladesh in February-March 2006 and to hold a public forum on Bangladesh in October 2006. Although the political context has altered considerably with changes in government in October 2006 and January 2007, the Commission finds that religious freedom remains under threat in Bangladesh. If left unchecked, current trends toward greater intolerance and religiously-motivated violence, particularly toward Hindus, Ahmadis, and Christians, could further undermine human rights protections for



Women in Bangladesh

all Bangladeshis. Accordingly, the Commission continues to place Bangladesh on its Watch List.

Since 1991, notwithstanding relatively difficult economic conditions, Bangladesh has had a representative government, regular changes of power through free elections, a judiciary that sometimes rules against those in authority, a lively press often critical of government policies, active participation of women in the workplace, and a functioning civil society with active human rights groups, women's organizations, and numerous non-governmental organizations (NGOs). Democratically-elected governments in office since 1991 have, however, left untouched and in some cases further elaborated on Islamic elements introduced in the constitution by previous military regimes, including the establishment of Islam as Bangladesh's official religion, as described below.

Following independence from Pakistan in 1971, Bangladesh was established as a secular state in which national identity was based on Bengali language and culture. The constitution contains strongly-worded guarantees for freedom of religious belief and practice, as well as equal treatment by the government for citizens regardless of reli-

If left unchecked, current trends toward greater intolerance and religiously-motivated violence, particularly toward Hindus, Ahmadis, and Christians, could further undermine human rights protections for all Bangladeshis.

gious affiliation. Subsequent military regimes amended the constitution, however, to introduce Islamic elements, including the affirmation that “absolute trust and faith in Allah” is to “be the basis for all actions” by the government. Although not judicially enforceable, this change in the constitution has been cited by minority rights advocates as diminishing the status of non-Muslims as equal members of Bangladeshi society. Islam was made Bangladesh’s state religion in 1988 under the military dictatorship of H.M. Ershad.

Aided by the expansion of Islamic schools (*madrassas*), charities, and other social welfare institutions, some receiving foreign funding, Islamist activists have gained in political, economic, and social influence in Bangladesh in recent years. Explicitly Islamist parties first entered government in 2001. Those with the agenda of making Bangladesh an Islamic state, including Jamaat-e-Islami Bangladesh, helped the center-right Bangladesh Nationalist Party (BNP)

win the last national election in October 2001 and allegedly then used their positions in the BNP-led government to deny funding to or otherwise disadvantage groups viewed as opposing an Islamist political and social agenda which Jamaat championed. Although many some of those who call for a more Islamist Bangladesh have been engaged in peaceful political and social activities, others, drawing inspiration from extremist movements elsewhere in the Islamic world, have adopted a jihadist ideology of violent struggle against perceived opponents of Islam.

This lack of accountability for anti-minority violence associated with the 2001 election led the Commission, minority advocates, and many others to be concerned that Bangladesh’s next national elections would also result in anti-minority violence. Some with whom the Commission met during the February-March 2006 visit to Bangladesh were themselves experiencing difficulties in becoming registered. Others claimed that locations dominated by minority voters had not been visited by the enumerators conducting the registration or, on the other hand, alleged that non-citizens believed to favor Islamist parties were being registered. Widespread concerns with the registration process were underlined when a study undertaken by the U.S. National Democratic Institute found 13 million more names on the voter rolls than would be eligible according to Bangladesh’s population.

Controversy over the impartiality of the electoral process, including over voter registration, resulted in the indefinite postponement of the national election scheduled for January 2007. On January 11, 2007, Bangladesh’s President resigned, under opposition pressure, from his controversial position as head of the caretaker government charged with administering the country during the national election period. A state of emergency was declared, during which public political activities were banned and elections postponed, pending correction of deficiencies in the electoral process, including the voter rolls. The head of the current caretaker government, a former World Bank official, has publicly declared his intention to hold “free, fair, and participatory” elections “within the shortest possible time.”

Despite the caretaker government’s public promises to uphold human rights, there were numerous reports of serious human rights abuses, including suspected extrajudicial killings by the security forces, arbitrary detentions, torture, curbs on press freedom, and violations of the right of due process. Many of the reported abuses were associated with a high-profile anti-corruption campaign



Dhaka, Bangladesh

spearheaded by the military. In addition, charges of corruption or other serious crimes, including murder, were brought against a number of senior politicians, including Awami League leader and former Prime Minister Sheikh Hasina. BNP leader and former Prime Minister Khaleda Zia was also reportedly under virtual house arrest. The role of the military under the current caretaker government raises questions about the future of democracy, rule of law, and respect for human rights in Bangladesh. These institutions, important guarantors for religious freedom, could be further eroded if the country's current caretaker government seeks to prolong its tenure beyond what is strictly needed to prepare for the free and fair election of a national government truly representative of the popular will. On the positive side, the political turmoil that led to the postponement of the 2007 elections has not resulted in widespread anti-minority, particularly anti-Hindu, attacks, attacks such as those that occurred following national elections in 2001. As of this writing, no new election date has been set.

Bangladesh's high levels of political violence and instability have provided opportunities for religious and other extremists to expand their influence. Due to a weak legal system and corrupt law enforcement, gangs employed by politicians engage in criminal activities with relative impunity. Armed groups of Islamist vigilantes and leftist guerrillas terrorize remote rural areas. Authors, journalists, and academics expressing opinions allegedly offensive to certain interpretations of Islam are subject to violent, sometimes fatal, attacks. Extremists oppose NGOs that promote the economic betterment of women and protection of women's rights. Some such organizations have been bombed, presumably by these extremists.

Although Bangladesh has the unusual distinction of having its two major parties, the BNP and the Awami League, led by women relatives of slain leaders who had both served as Prime Minister, religious extremism, mostly among Muslims, victimizes Bangladeshi women of all faiths. Some Muslim clerics, especially in rural areas, have sanctioned vigilante punishments against women for alleged moral transgressions. Rape is also reportedly a common form of anti-minority violence. The government commonly fails to punish the perpetrators of these acts against women, since the law enforcement and the judicial systems, especially at the local level, are vulnerable to corruption, intimidation, and political interference.



Commissioners Preeta D. Bansal (center, back row) and Felice D. Gaer (right, back row) with women's rights activists in Bangladesh

Politically-motivated bombings, assassinations, and other terrorist acts, often ascribed to Islamist militants, have exacerbated partisan tensions and increased the vulnerability of minority communities. In August 2004 and January 2005, such attacks resulted in the deaths of prominent opposition political figures. In February 2005, the government banned two militant groups implicated in a series of bomb attacks on NGOs. Militants have been blamed for a coordinated wave of almost simultaneous bomb attacks, numbering in the hundreds, carried out in all but one of Bangladesh's 64 districts on August 17, 2005. Militants were also implicated in a series of bomb attacks on Bangladesh's judiciary in October-November 2005. Among the victims was one of the country's few judges from a religious minority community, a Hindu. The bomb attacks were accompanied by militant demands to substitute sharia, or Islamic law, for Bangladesh's current system of secular jurisprudence and by threats against courts and judges who do not apply sharia. The then government of Prime Minister Khaleda Zia responded with a campaign of arrests of militants suspected of involvement in the bombings and in other violent incidents. As a result of arrests made during this campaign, more than 30 suspected militants were detained and later sentenced to death. In March 2007, six members of the Islamist militant group Jamaat-ul-Mujahideen Bangladesh (JMB), including JMB leader Sheikh Abdur Rahman and notorious Islamist vigilante Siddiquil Islam, better known as "Bangla Bhai,"



Palace in Dhaka, Bangladesh

were executed for their involvement in bombings that took place in 2005.

Despite constitutional protections, Hindus and other non-Muslims in Bangladesh face societal discrimination and are disadvantaged in access to government jobs, public services, and the legal system. They are also underrepresented in elected political offices, including the national parliament. Minority group advocates claim that religion plays a role in property and land disputes, pointing to expropriations of Hindu property since the Pakistan era and the gradual displacement of non-Muslim tribal populations by Bengali Muslims in the Chittagong Hill Tracts and other traditionally tribal areas. Such disputes occasionally result in violence.

The Commission was told on its visit to Bangladesh that Hindus have left the country in large numbers in the

past three decades because of the atmosphere of uncertainty and fear under which religious minorities must live. Hindus, Christians, and representatives of other minority religious communities continue to express concerns regarding the safety of their co-religionists, citing the growth in Islamist radicalism and instances of violence, including fatalities, in which the victims' religious affiliation or activities may have been factors. In June 2005, there were arson or bombing attacks against Ahmadi mosques in three locations. In July 2005, two Bangladeshis working for a Christian NGO were murdered, allegedly for showing a film depicting the life of Jesus. As of this writing, there have been no charges brought in this case or in the September 2004 murder of a prominent Christian convert from Islam.

The most serious and sustained conflict along ethnic and religious lines has been in the Chittagong Hill Tracts, located in Bangladesh's eastern border region neighboring India and Burma. The varied but wholly non-Bengali/non-Muslim indigenous peoples in this formerly autonomous area had opposed inclusion in East Pakistan, due to their identification with other tribal groups in northeast India. After Bangladesh won its independence, Bangladeshi authorities ignored appeals for restoring local autonomy in the Hill Tracts and indeed promoted an acceleration in Bengali settlement. The resulting insurgency ended in December 1997 with the signing of a peace agreement. Resentment remains strong, however, over settler encroachment, human rights abuses by the Bangladeshi military, and the slow pace of the government's implementation of the peace agreement. Muslim Bengalis, once a tiny minority in the Chittagong Hill Tracts, are now believed to outnumber members of indigenous groups.

Islamist extremists in Bangladesh have engaged in a public campaign against the Ahmadi community, which is viewed as heretical by many Muslims. The Ahmadis, also referred to as Ahmadiyya, are estimated to number about 100,000 in a population of over 140 million. Anti-Ahmadi demonstrators have called on the government of Bangladesh to declare Ahmadis to be "non-Muslims," as was done in Pakistan, and subsequently used in Pakistan to justify a range of legal limitations on the Ahmadi community and individual Ahmadis. The demonstrators have also called for curbs on Ahmadi missionary outreach to the broader Muslim community. Although Bangladesh has thus far refused to declare Ahmadis to be non-Muslims, in January 2004, the then BNP-led government bent to militant pressure and banned the publication and distribution of Ahmadi religious litera-

*B*angladesh's high levels of political violence and instability have provided opportunities for religious and other extremists to expand their influence. Due to a weak legal system and corrupt law enforcement, gangs employed by politicians engage in criminal activities with relative impunity.

ture. Police seized Ahmadi publications on a few occasions. The ban was stayed by the courts in December 2004, with further legal action still pending. Although the ban is not currently being enforced, it was not withdrawn by the BNP-led government before leaving office in October 2006

Anti-Ahmadi activists object to Ahmadi houses of worship being called “mosques” and on a number of occasions have organized mass demonstrations against them in order to occupy or attempt to occupy the sites. In several instances, anti-Ahmadi activists have forcibly replaced signs identifying Ahmadi places of worship as mosques, putting in their place anti-Ahmadi signs warning Muslims away, sometimes with the assistance of the police. According to Ahmadi sources, as of this writing, anti-Ahmadi signs have now been taken down from all Ahmadi mosques, with the exception of one in the city of Bogra. In some instances, the anti-Ahmadi agitation has also been accompanied by mob violence in which Ahmadi homes have been destroyed and Ahmadis held against their will and pressured to recant. Although the campaign against the Ahmadis has continued, the violence has diminished in recent months, due to improved and more vigorous police protection. In February 2007, Ahmadis in Brahmanbaria were able to hold a major convention, which they had been unable to do for over a decade because of hostility from anti-Ahmadi militants.

The Commission visited Bangladesh February 26 – March 2, 2006 at the invitation of the government of Bangladesh. The Commission delegation met with a broad range of individuals, including government officials, political leaders, human rights monitors, journalists, women’s

rights advocates, Muslim religious leaders, leading members of the Ahmadi, Hindu, Buddhist, and Christian communities, and civil society representatives. The government of Bangladesh received the delegation at a high level, including individual meetings with four members of the Cabinet: the Foreign Minister; the Minister for Law, Justice, and Parliamentary Affairs; the Minister of Education; and the Minister of Industries, the last mentioned being the head of Jamaat-e-Islami Bangladesh. The delegation also met with the Minister of State for Religious Affairs and with the Secretary for Home Affairs, whose responsibilities include law enforcement.

The Commission also has met on a number of occasions with human rights monitors, representatives of religious communities, Bangladeshi diplomats, and others to discuss religious freedom in Bangladesh. On October 17, 2006, with the participation of the International Republican Institute and the National Democratic Institute for International Affairs, the Commission held a public forum in Washington, D.C. on the topic “The Bangladesh Elections: Promoting Democracy and Protecting Rights in a Muslim-majority Country.” Coincident with the forum, the Commission issued *Policy Focus on Bangladesh*, with a number of policy recommendations. In April 2004, the Commission, together with Congressman Joseph Crowley, a member of the House Committee on International Relations, held a public hearing in Flushing, New York, on “Bangladesh: Protecting the Human Rights of Thought, Conscience, and Religion.”



A USCIRF roundtable on Capitol Hill about Bangladesh's national elections

With regard to Bangladesh, the Commission makes the following recommendations.

1 Urgent Measures to Prevent Anti-Minority Violence in the Upcoming Elections

In light of Bangladesh's upcoming national elections, the Commission recommends that the U.S. government should:

- urge Bangladesh's caretaker government to set and to adhere strictly to a publicly announced timetable for undertaking all necessary actions to safeguard the voting rights of all Bangladeshis in the next national elections, and to ensure that those elections are held freely and fairly and at the earliest practical date by:
- restoring public confidence in the non-partisan and independent character of both the Election Commission and the election-period caretaker government;
- making every effort to prevent violence before and after the election, including instructing law enforcement bodies to ensure the security of all Bangladeshi citizens throughout the voting process;
- instituting a registration process that will facilitate the enrollment of the maximum number of eligible voters before the election, in a manner that does not discriminate on the basis of perceived religious or political affiliation or ethnic background, deleting names of extra or ineligible voters, ensuring the inclusion of minority voters, and investigating

and resolving complaints about the registration process fairly, promptly, and well in advance of the actual election;

- using all practical technical means of ensuring the security of the ballot, including the use of "transparent" and numbered ballot boxes;
- permitting and facilitating international and domestic non-governmental monitoring of the entire electoral process; Bangladesh should be encouraged as a member of the United Nations and of the Commonwealth to avail itself of the resources of these and other international organizations with experience in assisting member states in conducting credible elections;
- satisfying the requirements of monitors from the U.S. National Democratic Institute, the U.S. International Republican Institute, and the European Union, as well as election experts from the UN, all of whom refused to offer legitimacy to the severely flawed election scheduled for January 2007; and
- investigating fully the acts of violence committed in the aftermath of the 2001 elections and holding the perpetrators to account, with the aim of preventing potential similar recurrences in 2007 and during any other election period in the future;
- encourage Bangladeshi authorities, and in particular the caretaker government overseeing the election

period, to ensure that the elections are not marred by violence by:

- deploying security forces to work now to identify and prepare against specific threats to vulnerable localities and communities, including religious and ethnic minorities;
- publicly ordering the security forces to undertake a maximum effort to prevent and punish election-related violence, particularly violence targeting members of minority religious communities, whether during the election campaign, on election day, or in its aftermath; and
- publicly condemning, outlawing, and swiftly responding to anti-minority violence and discrimination in advance of the election and ensuring, through legislation if necessary, that election-related violence will be thoroughly investigated and that those responsible will be brought to justice;
- prepare and publicize a comprehensive pre- and post-election analysis of the election process with recommendations for needed reform;
- provide for official U.S. government monitors in advance of, and in connection with, the upcoming elections in addition to those already planned by the National Democratic Institute for International Affairs and the International Republican Institute; and
- urge other states and international organizations to work together to increase monitoring and other efforts to forestall violence, with the assistance of indigenous human rights and other civil society organizations,

and coordinate actions in support of a peaceful, free, and fair election in Bangladesh with other countries and international organizations.

2 Urgent Measures to Protect Those Threatened by Religious Extremism

The Commission recommends that the U.S. government should urge the government of Bangladesh to:

- investigate and prosecute to the fullest extent of the law perpetrators of violent acts, including future acts and those already documented, against members of minority religious communities, non-governmental organizations (NGOs) promoting women’s human rights, and all those who oppose religious extremism;
- rescind its January 2004 order banning publications by the Ahmadi religious community, continue to reject extremist demands to declare Ahmadis to be non-Muslims, protect the places of worship, persons, and property of members of this religious community, and fully investigate and promptly bring to justice those responsible for violence against Ahmadis; and
- protect women from vigilante or anti-minority violence, combat claims of religious sanction or justification for violence against women, and vigorously investigate and prosecute the perpetrators of such violent incidents.

3 Longer-Term Measures to Protect Universal Human Rights

The Commission recommends that the U.S. government should urge the government of Bangladesh to:

- ensure that decisions on public employment in national institutions such as the civil service, the military, law enforcement agencies, and the judiciary, including at the highest levels, do not discriminate on the basis of religious affiliation, belief, or ethnic background; conduct and publicize the results of a comprehensive survey of minority representation in the public service;
- establish effective, legally transparent mechanisms for handling complaints regarding discrimination in public employment;
- ensure that law enforcement and security services are equally protective of the rights of all, regardless of political or religious affiliation or belief, including due process for all who are accused of crimes, according to Bangladesh’s own constitution and relevant international standards;
- establish the independence of the judicial system from the executive at all levels in order to prevent political interference in the judicial process and to ensure that the courts afford equal access and equitable treatment to all citizens;
- include in all school curricula, in school textbooks, and in teacher training for both public schools and government-regulated *madrassas* information on tolerance and respect

for human rights, including freedom of religion or belief;

- promote the use of history and social studies texts in public schools that reflect the country’s religious diversity and are reviewed by an independent panel of experts to exclude language or images that promote enmity, intolerance, hatred, or violence toward any group of persons based on religion or belief;
- repeal the Vested Property Act of 1974, discriminatory legislation that has been used unjustly to seize Hindu-owned property in the decades since Bangladesh’s independence and has continued to be used under successive governments to reward well-connected members of the majority community in Bangladesh;
- ensure that publicly-funded support for domestic faith-based charitable, humanitarian, developmental, or educational activities be awarded on a non-discriminatory basis;
- permit NGOs to conduct legitimate humanitarian and developmental activities without harassment, undue interference, or discrimination and ensure that they are protected from extremist intimidation or violence; and
- guarantee the right of human rights defenders to receive funding from foreign sources, as set forth in the relevant UN instruments¹, without harassment, unless such foreign funding incites or supports religious extremism, hatred, or the destruction of any of the rights and freedoms guaranteed to Bangladeshi citizens.

¹ Article 13 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, passed in 1998, states that “Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means...”

4 U.S. Assistance to Promote Human Rights, Including Freedom of Religion or Belief

The Commission recommends that the U.S. government should:

- use public diplomacy, including international exchange programs, to bolster the position of Bangladesh's voices of moderation and of those reformers who respect, and advocate respect for, internationally recognized human rights, including the human rights of women and of members of minority religious communities;
 - assist Bangladeshi educational authorities in improving and expanding public education in order to enhance the availability and quality of education of all Bangladeshis, regardless of faith, gender, or ethnicity, and support non-governmental review of curricula and textbooks of public schools and *madrassas*;
 - support efforts to improve the human rights performance and professional competence of the security forces so that they can better protect all Bangladeshis from violence and intimidation by extremists;
 - act to counter the extremist assault on Bangladesh's secular legal system, including by (1) strengthening U.S. assistance to promote the rule of law and to enhance access to the legal system by women and members of religious minorities, and (2) informing Bangladeshis, through educational and cultural exchanges, broadcast and print media, and other means of public diplomacy, on the universality of human rights and the compatibility of Islam and universal human rights, including freedom of religion or belief; and
- support, and provide technical assistance for, the creation of an independent national human rights commission in Bangladesh able to investigate, publicize, and bring to the courts all categories of human rights abuses, including violence and discrimination against religious minorities, in accordance with international standards² for such organizations, i.e., independence, adequate funding, a representative character, and a broad mandate that includes freedom of thought, conscience, and religion or belief.

² Principles Relating to the Status and Functioning of National Institutions for Protection and Promotion of Human Rights, found in the Annex to Fact Sheet No. 19, National Institutions for the Promotion and Protection of Human Rights, Office of the High Commissioner for Human Rights.