



**ANNUAL
HUMAN
RIGHTS
REPORT
2013**

BANGLADESH

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MAP OF BANGLADESH



EXECUTIVE SUMMARY

The human rights situation in Bangladesh deteriorated further in 2013. Marginalised groups faced human rights violations and serious attacks, also at the hands of extremist groups, allegedly linked to some of the main political parties. When Bangladesh first emerged from a bloody war which led to its independence in 1971, it was driven by aspirations of democracy and a secular society. Regrettably, throughout the last four decades these have not been fulfilled, due to the government policies that supported singular identity politics. Bangladesh is a parliamentary democracy and democracy manifests itself by recognizing and protecting the freedom of its citizens under the rule of law. However, the top down approach adopted in the construction of an identity based on Bengali nationalism, coupled with recognition of Islam as the state religion, enshrines an ideology that breeds conflict and violence associated with different perceptions in relation to one's own identity. Consequently, minorities who do not fit into the singular national identity are not recognized and subjected to "otherisation"⁵. In Bangladesh, minorities remained vulnerable to communal attacks, forced conversions, land grabbing, discrimination, intimidation and sexual violence. This situation was reinforced by a widespread culture of impunity, corruption, inefficiencies in the judicial system, non-existing constitutional protection for the right to education, rising extremism and traditions which are fuelling social stigmas towards marginalised groups. The 10th parliamentary elections were held on 5th January 2014 and running up to elections, between November and December, ethnic and religious minorities, particularly Hindus, were targeted. The attacks were allegedly carried out by fundamentalists and groups affiliated

with political parties, aiming to prevent minorities from voting. Government officials committed to bring the culprits to justice; however the state failed to comply with its primary obligation to prevent these violations. The Buddhist community faced communal attacks in April and August 2013, after what can be considered the most devastating and large scale attack against the Buddhist community in the history of Bangladesh, the Ramu tragedy which occurred in 2012. Indigenous people continue to face violations and illegal land grabbing. In most of these cases, government officials failed to investigate the incidents and bring perpetrators to justice. The human rights violations against sexual minorities continue to be invisible due to lack of legal protection and the existence of social stigmas

Global Human Rights Defence (GHRD)'s activities in Bangladesh

Global Human Rights Defence (GHRD) is continuing to monitor human rights for religious and ethnic minorities in Bangladesh since 2003. GHRD is dedicated to obtain correct and reliable information about the atrocities against these communities. GHRD has also broadened its scope by focusing on the rights of sexual minorities since 2012. GHRD is supporting human rights defenders on the ground to conduct fact-finding missions and interviews with civil society, community leaders, victims, academia, journalists, and lawyers in order to document and report human rights violations. GHRD based on the collected information has been working to lobby and advocate for the rights of minorities and human rights defenders in international platforms such as the UN and the EU.

⁵ The term used by Dr. Kathleen Taylor.

POLITICAL DEVELOPMENTS 2013

Bangladesh held its 10th National Parliamentary Elections on 5th January 2014. The Election Commission announced the date of the elections in November, which fuelled widespread protests and hartals led by opposition-party members. The BNP-led opposition coalition ultimately boycotted the elections, which resulted in 153 seats out of 300 being won uncontested by the Awami League or its allies.

Protests from opposition parties originally stemmed from the 15th amendment to the Constitution passed in 2011, which repealed the caretaker government system. Under this system, after completion of tenure by the government, a neutral caretaker government was selected to oversee the elections and their freedom and fairness. The BNP-led opposition maintained that, without the presence of the aforementioned caretaker government, the freedom and fairness of the elections could not be guaranteed and there was a real risk of undue influence by the outgoing government over the whole electoral process.

Minority groups have proven to be even more vulnerable in times of elections and the 10th National Elections in Bangladesh have been no exception in this regard. Countrywide strikes and blockades organised by opposition parties have sparked an atmosphere of tension and violence all over the country. The violence seriously affected religious minorities and indigenous groups, who have been the victims of grave attacks and violations. State authorities, despite their commitments, failed to take effective steps to prevent violations, protect minorities and ensure their safety.

GHRD supported its local partners to reach out to marginalized groups, consisting of religious, ethnic and sexual minorities. The local partners organized focus group discussions in order to raise awareness about the political rights of marginalised groups, as well as to address their concerns and needs about the upcoming elections.



RELIGIOUS AND ETHNIC MINORITIES

The majority of the Bangladeshi population consists of Sunni Muslims. Islam is recognized as the state religion, resulting in the imposition of a top-down single identity, which creates a difficult environment for secular and other religious identities to flourish in the society. GHRD aims to promote and protect the rights of religious and ethnic minorities. Our action focuses on the Hindu minority (10%), Buddhist and Christian minority (1%) and the indigenous “Jumma” people, particularly living in the Chittagong Hill Tracts (CHT).² The Jumma people are not recognised as an indigenous population of Bangladesh. Even if the Bangladesh government signed several international treaties³ that protect indigenous people’s human rights and fundamental freedoms, the state’s failure to give full recognition to indigenous communities ultimately results in lack of implementation of the aforementioned international instruments.⁴

HINDU MINORITIES

Despite passing new legislation and bills that provide for enhanced protection for Hindu minorities, the human rights situation of Hindus deteriorated in 2013. These legislative changes include bills such as the Vested Property Return Act. The first amendment to the bill was made in 2011, which included elimination of challenges faced by the Hindu community to own property and return of property seized from Hindus in a more efficient way. It was followed by a second amendment in October 2013, which removed the listing of Hindu minorities who were claimed to be occupying properties that were not belonging to them. This list had contributed to reinforcing the vulnerability of Hindus, who were often subjected to extortion through intimidation and harassment.⁵

In Bangladesh the family laws regarding marriage, divorce and adoption differentiate according to one’s religious creed. Therefore religious minorities have different rights pursuant to family law. For instance the Hindu Marriage Registration Act, which was accepted by the parliament in 2012 in order to improve these rights, still states that marriage registration for Hindus is optional. Since marriage registration is not mandatory, some Hindu women might have to deal with the absence of registration and that can lead to violation of their divorce and inheritance rights.

² Global Human Rights Defence, Annual Human Rights Report 2012 (Bangladesh).

³ International Labour Organization (ILO) Convention on Indigenous and Tribal Populations of 1957, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination,

⁴ <http://www.ohchr.org/Documents/Issues/IPeoples/Seminars/Treaties/BP12.pdf>

⁵ JS passes Vested Property Act Amendment Bill, Dhaka Tribune, 2013 <http://www.dhakatribune.com/law-amp-rights/2013/oct/09/js-passes-vested-property-act-amendment-bill>.

ATTACKS AGAINST RELIGIOUS MINORITIES

2013 was marked as a year of violent attacks against Hindu and Buddhist communities. Waves of communal attacks were systematically organized to terrorize religious minority communities. The scale of attacks was alarming and violent incidents continued to occur throughout the year. In most cases, the mobs attacked Hindu and Buddhist villages, burned down worshipping areas, houses, vandalized the belongings and attacked members of these communities. Whilst the security forces and government failed to protect the religious minorities and provide them security against communal attacks, in the beginning of 2014 the High Court in Bangladesh ordered the government to provide compensation to Hindu families, residing in Pabna district, who has been attacked after an alleged blasphemous post against the Prophet Mohammed was uploaded to social media in November 2013.⁶ Notwithstanding such actions taken by the High Court, religious minorities continue to feel increasingly insecure in Bangladesh.

The Buddhist and Hindu communities face similar human rights violations such as communal attacks, sexual and physical assault, intimidation and discrimination. Also, during communal attacks sexual assault against religious minority women stays unreported, especially due to social stigma affecting the victim's reputation.

⁶ *Compensate Pabna Hindu families*: HC, The Daily Star, 9 February 2014, <http://www.thedailystar.net/compensate-pabna-hindu-families-hc-10596>



Background information on the cases

Communal attacks against the Hindu minority escalated after 28th February 2013, the day when the War Crimes Tribunal sentenced a prominent leader of Jamaat-e-Islami to death for crimes against humanity. The increasing number of incidents in the spring indicated the lack of protection provided to the Hindu community. The attacks were large scale and took place across the country, especially where the Hindu minorities are clustered. The attacks continued throughout the year and grew in numbers after each sentence was delivered against popular leaders of Jamaat by the War Crimes Tribunal. The Buddhist community faced a large scale communal attack in October 2012 in Cox's Bazaar and Chittagong. This devastating attack was followed by another attack in April 2013 where places of worship were looted and set on fire.

There are various factors behind the communal attacks against religious minorities. The main reasons behind the grave attacks relate to these communities being targeted due to their religion and “the slander of Islam” which is claimed by extremist groups. The same reasons are also given to explain the attacks against the Buddhist community. Considering the patterns and the history behind the attacks, one might say that the attacks came on in the context of increasing extremism and also in the context of fabricated news about blasphemous materials being published on social media by a certain individual from these religious communities.

The attacks might also stem from political and economic reasons, which are strictly linked and cannot be separated. The incidents which occurred in the run up to the 2014 national elections can also be interpreted as an act of intimidation and suppression to prevent minorities from voting. In addition, many of the attacks occurred against villages close to the border with India and they have followed a pattern, as often the villagers flee to neighbouring countries to take shelter. The abandoned properties and land belonging to these religious communities then become easy targets for land grabbers. Some of the cases from 2013 are highlighted in the following page.



- **Munshiganj**

On 3rd March 2013 unknown perpetrators attacked a Hindu temple in Louhajang upazila of Munshiganj district and burned the idols of deities. The perpetrators were able to flee the scene after the incident took place.

- **Pabna**

Hindu minorities were attacked by a mob on 2nd November 2013 in Santhia upazila, a village in the Pabna district. The perpetrators allegedly led by BNP and Jamaat activists, vandalized and burned down houses and temples belonging to the Hindu community. It was claimed that the attack took place due to a blasphemous post on social media.

At least 25 houses and 4 Hindu temples were attacked including 11 houses which were set on fire by a group of extremists, following rumours that a Hindu person had posted a blasphemous statement on social media. The locals and police stated that the attacks lasted several hours.

- **Lalmonirhat**

On 4th November 2013, Hindu minorities in Lalmonirhat Sadar upazila were attacked by a mob. At least 15 Hindus, 9 males and 6 females were injured, 40 houses were looted, valuables were stolen and many frightened Hindu families fled to neighbouring villages after the attack.

- **Boalkhali**

In April 2013, Buddhist temples were burned down in Boalkhali after the arson attacks against another Buddhist temple and an orphanage in Patiya. The similarities between the attacks were striking. These attacks were the second devastating attacks since September 2012; during that month at least 18 Buddhist temples were looted and burned down by extremists in Ramu upazila of Cox's Bazar district.⁷

- **Matiranga**

On 3rd August 2013, Bengali settlers conducted a massive communal attack on Jumma villages in the Matiranga upazila are of the Khagrachari district. The perpetrators targeted the indigenous community known as the Jumma. Around 36 houses looted in 6 villages, including 2 Buddhist temples were burned down and at least 261 houses belonging to Jumma villagers were looted and vandalised by Bengali settlers.



⁷ Two Buddhist temples attacked, The Daily Star, <http://archive.thedailystar.net/beta2/news/2-buddhist-temples-attacked/>



INDIGENOUS PEOPLES AND THE CHITTAGONG HILL TRACTS (CHT)

In Bangladesh there are more than 54 indigenous ethnic communities but they are not recognised by the Constitution as indigenous peoples. CHT is the area where these communities are most concentrated and it is the home of 11 different indigenous tribes that collectively refer to themselves as ‘Jummas’. In 1997, a Peace Accord was signed between the Jumma political party, Jana Samhati Samiti (JSS) and the government of Bangladesh, to put an end to 2 decades of hostilities. Although the Peace Accord implementation constituted one of the main Awami League agenda points for the 2008 elections, the government failed to take any effective measures towards full implementation during its 5 year term.

Bangladesh underwent its 2nd Universal Periodic Review (UPR) cycle in April 2013. The government committed itself to full implementation of the CHT Peace Accord and accepted a set of recommendations relating to indigenous peoples. The recommendations were aimed at improving the conditions of indigenous communities and ensuring their protection, as provided for under Bangladesh international obligations, as well as to implement appropriate measures to protect indigenous women and children from all forms of violence and discrimination. Recommendations made during the UPR 2nd cycle were also directed at prompting Bangladesh to sign and ratify the ILO Convention No. 169 on indigenous and tribal people.

Although these commitments were welcomed by UN-member states, failure to fully implement those previously made under the 1st UPR cycle calls for constant monitoring and positive action from all stakeholders, the international community and the civil society at large.

VIOLATIONS AGAINST INDIGENOUS PEOPLE

Indigenous people continue to see their rights violated and in most cases the victims are not allowed any form of redress. Violations are perpetrated by the hands of the state and local authorities, or by non-state actors such as Bengali settlers, illegal land grabbers and private companies. Since the state has the primary duty to protect its citizens and prosecute those who violate their fundamental rights, its failure to fulfil this duty contributes to reinforcing widespread impunity for the perpetrators. This ultimately results in further violations and discrimination against vulnerable groups.

ATTACKS AGAINST INDIGENOUS MINORITIES

CASES

- **Bandarban**

21 families belonging to an indigenous Chakma community were forced to leave their village following harassment and threats from influential land grabbers in Naikhyongchari in April 2013. The victims had been repeatedly harassed and subjected to theft and intimidation, with the aim of evicting them from their village and occupying their ancestral land.

Harassment and intimidation are perpetrated by beatings, seizure of property, sexual harassment of indigenous women and girls and destruction of Jum farms.

These are not isolated incidents and similar episodes were reported in the area in 2012, consequently to which families were forced to flee their village. In 5 other villages under Baishari Union, in Naikhyongchari upazila, 80 families are also facing threats of eviction following land grabbing and harassment by Bengali settlers and land grabbers.

Different companies and Bengali businessmen built rubber plantations on hundreds acres of land. In some cases, they planted rubber on the land belonging to indigenous villagers. Additionally, more than 11 companies occupied thousands acres of lands recorded and owned by permanent residents of CHT including indigenous Jumma people. These companies continue to occupy the lands in order to extend their business. They occupied the land solely by erecting signs and threatening the indigenous villagers and permanent Bengali residents forcing them to leave the area. In some cases, villagers were attacked by perpetrators allegedly hired by these land grabbers. The local administration has been playing a passive role in these disputes, which encourages further violations and the illegal occupation of land.



- **Matiranga**

In September 2013, a 20-year old indigenous woman was reportedly raped by a 26 year old Bengali settler under Matiranga municipality in Khagrachari district. It was reported that the perpetrator entered the victim's room and raped her. When the victim was screaming, the perpetrator tried to flee, but the local guardians of the victim caught him on spot. The victim committed suicide by hanging herself in her room after the incident, because of the trauma suffered by the woman when the issue became public. The police arrested the perpetrator, but refused to register a case in this connection. The following day the victim's guardian went to Matiranga police station to file a case against the aggressor, but the police did not accept the allegation.⁸

- **Chittagong**

On 11th November 2013, a 13 year old Tripura girl was gang raped at Mirsarai upazila of Chittagong District by a group of four men, who broke into the victim's house. The authorities failed to arrest all of the perpetrators. Two culprits who confessed to their crimes were sent to jail.

⁸ See Human Rights Report 2013 on Indigenous People in Bangladesh, Kapaeeng Foundation, pp 162-163.

SEXUAL MINORITIES

Religious fundamentalism in Bangladesh and patriarchal values feed a mindset that collectively denies the presence of a lesbian, gay, bisexual and transgender (LGBT) community⁹. The issues faced by sexual and gender minorities remain invisible in the society. Civil society organizations usually deploy a sexual health rights approach to protect the rights of sexual and gender minorities since the subjects of sex and sexuality are surrounded by social taboos. For instance, the sexual behaviour and gender identities that do not fit within the accepted normative values of the society are frowned upon and considered intolerable. Thus, no public discussion is generated to address the violations faced by the LGBT community. In addition, freedom of expression and the right to association and opinion are very much limited for the LGBT community. The LGBT community faces physical and sexual assault, discrimination, stigma and violation of their fundamental rights.¹⁰

During the 16th session of the UPR, the Bangladesh government recognized the existence of the LGBT community after accepting a recommendation made by the Czech Republic on sexual orientation and gender identity.¹¹ The infamous section 377 still remains within the Bangladeshi penal code and this has resulted in calls from international governments and civil society organisations for the abolishment of section 377, all of which were disregarded by the Bangladeshi government. Although Section 377 is rarely used, it feeds an ideology which discriminates the LGBT community and it is used to harass and intimidate the LGBT population. GHRD received the following case from local partners in Bangladesh.

CASES

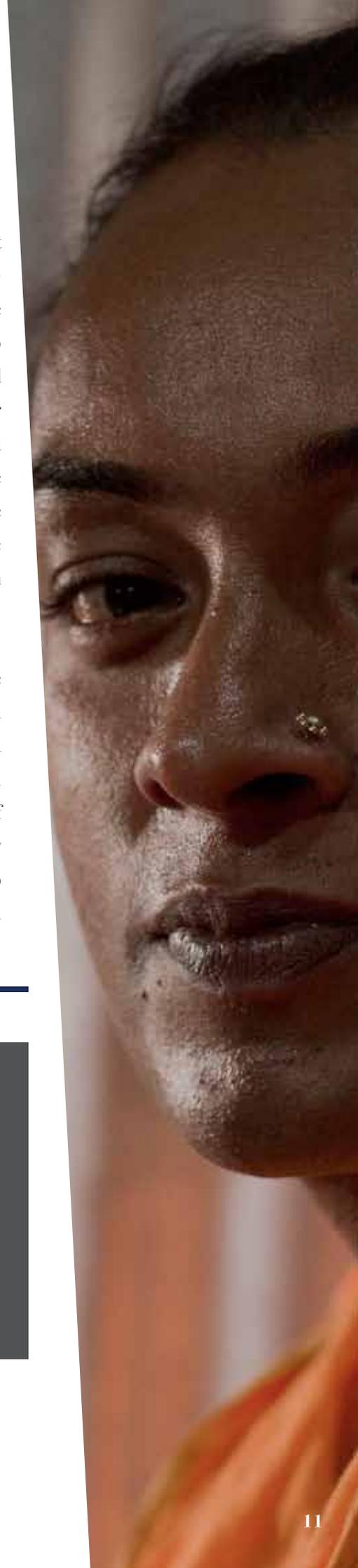
- **The case of Puja and Sanjida**

In July 2013, a lesbian couple in Bangladesh were arrested and subjected to life imprisonment for marrying each other. The couple was caught by police after fleeing from their homes in the Pirojur district. They belong to the Hindu community and were married according to Hindu law. Puja being a minor was not held in custody after the incident, but Sanjida is still in jail. Sanjida could face life imprisonment or hard labour for ten years and could also be fined due to the existing section 377. The case attracted a lot of media attention in a country where violations against LGBT community usually go unreported.

⁹ LGBT community (gender and sexual minorities) include Hijras, Kothis, lesbians, gays, bisexuals and transgenders and others.

¹⁰ Shale Ahmed and Aditya Bondyopadhyay, "Same-sex Love in a difficult climate", The Bandhu Social Welfare Society, 2011.

¹¹ Provide human rights training to law enforcement and judicial officers, with a specific focus on the protection of the rights of women, children and persons of minority sexual orientation or gender identity and adopt further measures to ensure protection of these persons against violence and abuse.



INTERNATIONAL MONITORING AND PARTICIPATION

The 2nd cycle of review under the UPR procedure for Bangladesh took place in Geneva in April 2013. At the end of the process, recommendations were made to and accepted by the government of Bangladesh to take further steps in bringing domestic legislations and policies in line with obligations under core human rights instruments. These also included the ratification of crucial human rights instruments, such as the Optional Protocols to the ICCPR and the Optional Protocol to the Convention against Torture.

On 6 October 2013, Bangladesh amended its Information and Communication Technology (ICT) Act in a way that seriously restricts the possibility of peaceful critics from civil society. The amended ICT Act worryingly departs from established international principles by allowing police to make arrests without a warrant, by excluding the possibility of release on bail for a number of offences, and by imposing more severe sentences such as 7 to 14 years of imprisonment. The ICT Act conflicts with Bangladesh obligations under international law and the International Covenant on Civil and Political Rights (ICCPR) in particular. The civil society at large and various international organisations have voiced concerns and called for an immediate repeal of the Act or amendments that would bring it in compliance with international law.

A country visit from the UN Special Rapporteurs for Freedom of Religion or Belief is under consideration and it is of utmost importance for this to be carried out as soon as possible. Attention from other thematic mandate holders is also required, who have still not visited Bangladesh, in particular: the UN Special Rapporteurs on the rights of indigenous peoples, on the situation of human rights defenders and on the promotion and protection of the right to freedom of opinion and expression.



THREE QUESTIONS TO BANDHU SOCIAL WELFARE SOCIETY



1 **What sort of challenges do you and your organisation face in your work?**

We are facing various issues since our work involves sexual minorities in Bangladesh. Due to our social culture, religious practices and norms, there are lots of taboos and stigma associated with this population, so these stigma and taboos reinforce the human rights violation. Human rights violations include economic, social and their access to services – also participation and decision making as a whole.

We also face legal barriers –the discriminatory laws such as Section 377 existing in the Bangladesh Penal Code are preventing us to motivate and mobilise the public or the policy makers to support the rights of sexual minorities.

2 **What would you identify as the most urgent issue facing sexual minorities in Bangladesh?**

The most urgent issue we have to work on is the policy issues, also proper implementation of the UPR recommendations which are accepted by the Bangladesh government. During the 16th UPR session the Bangladeshi government has clearly acknowledged the existence of sexual minorities, so we have to work on the ground level with the civil society, with the media, with the government and civil society organisations to properly implement the recommendations.

3 **What changes would you most like to see in Bangladesh? In 5 years' time from now, in your ideal situation, where would you like to be?**

When we started our work, in 1996, we were only 2 staff in our office, and now we are working across the country in 33 offices, and also supporting 25 community-based small scale organizations. So this is actually a good indication because without getting the support from all the stakeholders this kind of paradigm shift is not possible. So– this is good progress, but I hope to see that we can efficiently continue to work on the policy level, so that we can make initial steps to make changes in the discriminatory laws to reach an equal society for everyone.

GHRD HIGHLIGHTS

Raising Minority Voices in South Asia

In 2013, GHRD in collaboration with local grass roots organisations conducted two capacity building trainings for Bangladeshi human rights defenders. The trainings brought together human rights defenders working for ethnic, religious and sexual minorities.

Fact Finding and Field Missions

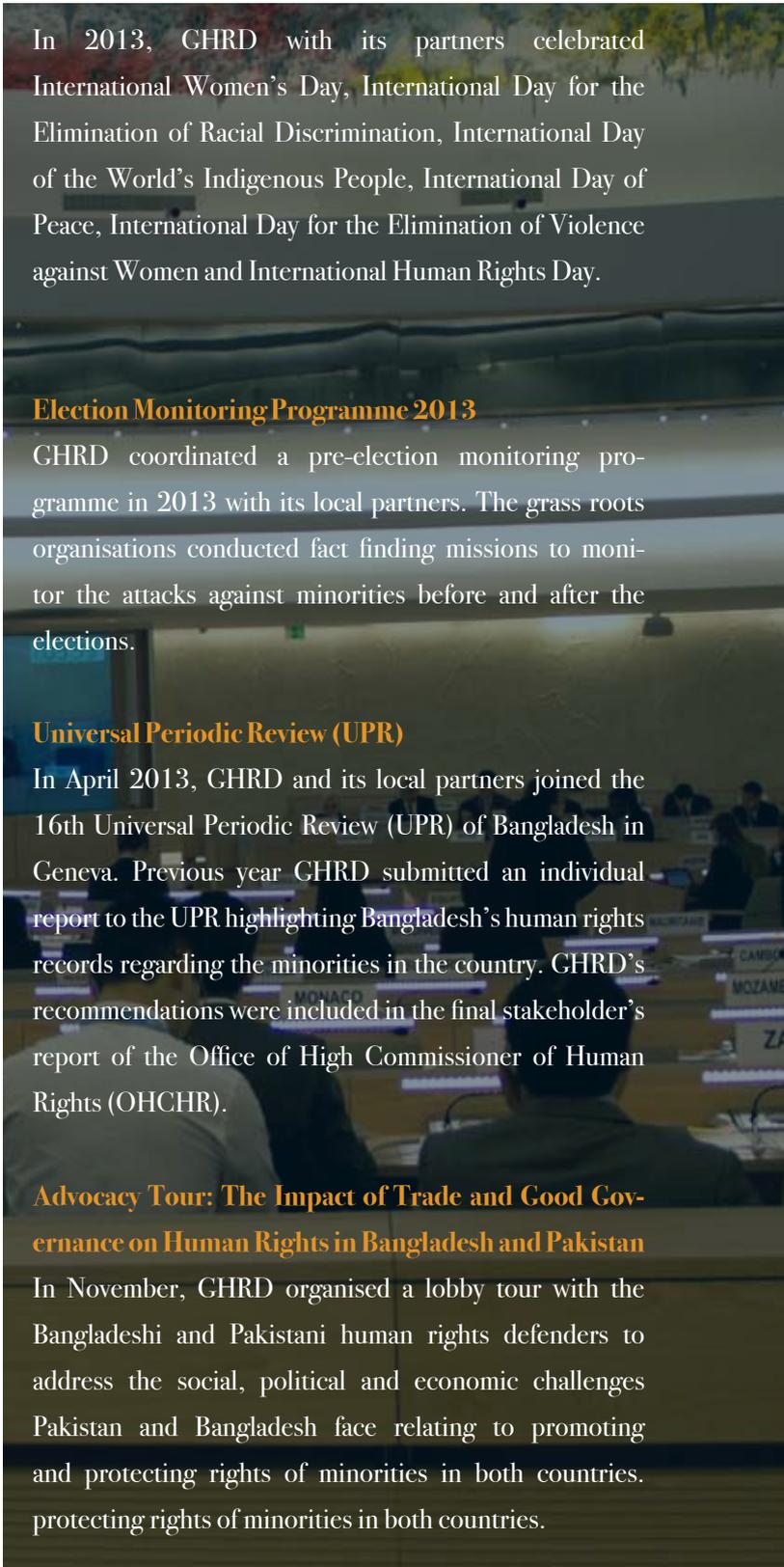
GHRD continued to monitor the human rights violations against religious, ethnic and sexual minorities. GHRD visited Bangladesh in May.

Minorities speak GHRD's side event in Geneva

After the Bangladesh's Universal Periodic Review GHRD in cooperation with the World Barua Organization organised a side event on April 29 at the UN Palace in Geneva. Civil society members and key human rights defenders who are promoting and protecting the rights of religious, ethnic and sexual minorities discussed the outcome of the review.

Celebration of International day events

The international day events are organised to mark special dates that are established by the United Nations to highlight the importance of fundamental rights and freedoms of people. GHRD is actively supports and engages with the local human rights defenders to celebrate these days in order to empower marginalised groups by addressing their rights through events such as rallies, press conferences, door to door campaigns, seminars and street dramas.



In 2013, GHRD with its partners celebrated International Women's Day, International Day for the Elimination of Racial Discrimination, International Day of the World's Indigenous People, International Day of Peace, International Day for the Elimination of Violence against Women and International Human Rights Day.

Election Monitoring Programme 2013

GHRD coordinated a pre-election monitoring programme in 2013 with its local partners. The grass roots organisations conducted fact finding missions to monitor the attacks against minorities before and after the elections.

Universal Periodic Review (UPR)

In April 2013, GHRD and its local partners joined the 16th Universal Periodic Review (UPR) of Bangladesh in Geneva. Previous year GHRD submitted an individual report to the UPR highlighting Bangladesh's human rights records regarding the minorities in the country. GHRD's recommendations were included in the final stakeholder's report of the Office of High Commissioner of Human Rights (OHCHR).

Advocacy Tour: The Impact of Trade and Good Governance on Human Rights in Bangladesh and Pakistan

In November, GHRD organised a lobby tour with the Bangladeshi and Pakistani human rights defenders to address the social, political and economic challenges Pakistan and Bangladesh face relating to promoting and protecting rights of minorities in both countries, protecting rights of minorities in both countries.

RECOMMENDATIONS

RELIGIOUS MINORITIES

- Guarantee equality and essential principles of secularism by returning to the secular Constitution of 1972 which does not declare any state religion.
- Ensure transparent, impartial and accountable investigations and prosecution of human rights violations against religious minorities.
- Adopt Hindu Marriage Registration Act 2012 and make marriage registrations mandatory rather than optional.
- Uphold and closely monitor the implementation of Vested Property Return Act 2013.

ETHNIC MINORITIES

- Provide constitutional recognition for indigenous peoples, in compliance with Bangladesh international obligations.
- Ensure full implementation of the 1997 Peace Accord, first and foremost by adopting a clear and established time frame in this regard.
- Take positive steps to solve land disputes in a fair manner and with full respect of the traditional land rights of indigenous peoples.
- Ensure timely, effective and independent investigation and prosecution of human rights violations against indigenous people.
- Conduct impartial investigations on human rights violations against ethnic minorities by the National Human Rights Commission.
- Ensure that Bangladesh state institutions provide protection against violence and other violations of their fundamental rights to ethnic minorities and vulnerable groups.

SEXUAL MINORITIES

- Review and amend laws on sexual violence to guarantee gender equality.
- De-criminalise same sex relations between consented adults by abolishing section 377 of the Bangladesh penal code to uphold international human rights obligations of the state.



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