

# **BANGLADESH 2020 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Bangladesh's constitution provides for a parliamentary form of government in which most power resides in the Office of the Prime Minister. In a December 2018 parliamentary election, Sheikh Hasina and her Awami League party won a third consecutive five-year term that kept her in office as prime minister. This election was not considered free and fair by observers and was marred by reported irregularities, including ballot-box stuffing and intimidation of opposition polling agents and voters.

The security forces encompassing the national police, border guards, and counterterrorism units such as the Rapid Action Battalion maintain internal and border security. The military, primarily the army, is responsible for national defense but also has some domestic security responsibilities. The security forces report to the Ministry of Home Affairs and the military reports to the Ministry of Defense. Civilian authorities maintained effective control over the security forces. Members of the security forces committed numerous abuses.

Significant human rights issues included: unlawful or arbitrary killings, including extrajudicial killings by the government or its agents; forced disappearance by the government or its agents; torture and cases of cruel, inhuman, or degrading treatment or punishment by the government or its agents; harsh and life-threatening prison conditions; arbitrary or unlawful detentions; arbitrary or unlawful interference with privacy; violence, threats of violence and arbitrary arrests of journalists and human rights activists, censorship, site blocking, and criminal libel; substantial interference with the rights of peaceful assembly and freedom of association, such as overly restrictive nongovernmental organization laws and restrictions on the activities of such organizations; restrictions on freedom of movement; restrictions on political participation; corruption; criminal violence against women and girls and lack of investigation and accountability; crimes involving violence or threats of violence targeting indigenous people; crimes involving violence against lesbian, gay, bisexual, transgender, and intersex persons; laws criminalizing consensual same-sex sexual conduct; significant

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restrictions on independent trade unions and workers' rights; and the worst forms of child labor.

There were reports of widespread impunity for security force abuses. The government took few measures to investigate and prosecute cases of abuse and killing by security forces.

### **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.

Law enforcement raids occurred throughout the year, primarily to counter terrorist activity, drugs, and illegal firearms. Suspicious deaths occurred during some raids, arrests, and other law enforcement operations. Security forces frequently accounted for such deaths by claiming--when they took a suspect in custody to a crime scene to recover weapons or identify coconspirators--accomplices fired on police and killed the suspect. The government usually described these deaths as "crossfire killings," "gunfights," or "encounter killings." The media also 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. Human rights organizations claimed in some cases 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.

Police policy requires automatic internal investigations of all significant uses of force by police, including actions that resulted in serious physical injury or death, usually by a professional standards unit that reports directly to the Inspector General of Police. The government, however, neither released statistics on total

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killings by security personnel nor took comprehensive measures to investigate cases. Human rights groups expressed skepticism over the independence and professional standards of the units conducting these assessments. In the few known instances in which the government brought charges, those found guilty generally received administrative punishment.

Domestic human rights organization Ain o Salish Kendra (ASK) reported 196 incidents of alleged extrajudicial killings between January and July 28. According to ASK, many of these killings involved the Rapid Action Battalion--a paramilitary police force--the conventional police force, and Border Guards Bangladesh. In 2019 ASK reported a total of 388 incidents of alleged extrajudicial executions, down from 466 incidents in 2018. Human rights organizations and civil society expressed concern over the alleged extrajudicial killings and arrests, claiming many of the victims were innocent.

In September, Amnesty International said more than 100 Rohingya refugees were victims of extrajudicial killings in the country since 2017. In Cox's Bazar, the site of Rohingya refugee camps, Rohingya comprised a disproportionate percentage of reported "crossfire" killings. The press reported in July that security forces killed 22 individuals, suspected mostly of conducting drug deals, in reported gunfights with police. At least 10 were Rohingya. In response to these reports, Home Minister Asaduzzaman Khan refuted characterizations of the Rohingya as "victims" of extrajudicial killings and said they were "armed narcotics smugglers" crossing Myanmar into Bangladesh. After speaking with family members of the deceased, Amnesty International reported several of the killed Rohingya were picked up from their homes by the police and then found dead.

On July 31, police in Cox's Bazar shot and killed "Sinha" Md Rashed Khan, a retired army major at a police vehicle checkpoint. Police reported Sinha "brandished" a gun, while eyewitnesses said Sinha had left the firearm in the car when he was asked by police to exit the vehicle. Sinha's killing generated intense public discussion on police, extrajudicial killings, and law enforcement excesses. In August the Ministry of Home Affairs convened a senior investigation committee in response to the killing, suspending 21 police officers and charging nine police officers in connection with Sinha's death.

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Also in August a news outlet released a Facebook video showing the senior police officer arrested, Pradeep Das, openly admitting to killing drug suspects in “crossfires.” In 2019 Das received the highest police award after boasting of his involvement in extrajudicial killings. In September the police administration transferred almost all 1,500 police officers in Cox’s Bazar to other posts. While the police called the transfer an “administrative move,” the media called this action “unprecedented” and observers cited in the report said the action was made as part of a “corrective campaign” in connection with public outcry following Sinha’s death. In October media reported September was the first month since 2009 without a report of an extrajudicial killing.

### **b. Disappearance**

Human rights groups and media reported disappearances and kidnappings continued, allegedly committed by security services. The government made limited efforts to prevent or investigate such acts. Civil society organizations reported victims of enforced disappearance were mostly opposition leaders, activists, and dissidents. Following alleged disappearances, security forces released some individuals without charge, arrested others, found some dead, and never found others. In a 2019 report discussing enforced disappearances, the Paris-based organization International Federation of Human Rights concluded enforced disappearances followed a pattern that included disappeared individuals previously targeted by authorities; witnesses observed similar law enforcement tactics when detaining individuals who later disappeared, and following the disappearance, authorities treated relatives either dismissively or with threats.

The government did not respond to a request from the UN Working Group on Enforced Disappearances to visit the country.

On March 10, photojournalist and news editor Shafiqul Islam Kajol disappeared after leaving his house for work. The previous day a member of parliament filed a case against Kajol and 31 others, claiming a media story covering a crime syndicate involving drugs, money, and prostitution defamed the member of parliament. On May 3, police in the border town Benapole confirmed to the press that Kajol was “rescued” near the border with India border and detained him on

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trespassing charges. Kajol's family told the press they believe Kajol was forcibly disappeared and held in government detention from March through May. Kajol spent 237 days in prison on defamation charges and was released on bail on December 25.

### **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 media reported security forces, including intelligence services and police, employed torture and cruel, inhuman, or degrading treatment or punishment. According to multiple organizations, including the UN Committee against Torture (CAT), security forces reportedly used torture to gather information from alleged militants and members of political opposition parties. Security forces reportedly used threats, beatings, kneecappings, electric shock, rape, and other sexual abuse. Numerous organizations also claimed security forces were involved in widespread and routine commission of torture--occasionally resulting in death--for the purpose of soliciting payment of bribes or obtaining confessions. According to these organizations, impunity for government actors committing torture was extensive. Politicization of crimes was a factor in impunity for custodial torture. During the government's 2019 statement to the CAT, the Bangladesh government has a "zero tolerance" policy against custodial death; however, allegations of law enforcement committing torture and other forms of mistreatment were not investigated. In September a Dhaka court issued a verdict under the Torture and Custodial Death (Prevention) Act for the first time and sentenced three police officers to life imprisonment and two others to seven years in prison over the 2014 custodial death of Ishtiaque Hossain Jonny. In 2019 the CAT expressed concerns with allegations of widespread use of torture and mistreatment by law enforcement officials to obtain confessions or to solicit the payment of bribes. The CAT report also cited the lack of publicly available information on abuse cases and the failure to ensure accountability for law enforcement agencies, particularly the Rapid Action Battalion.

In June media reported the police's cruel treatment and extortion of university

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student Imran Hossain, who suffered kidney damage after an encounter with law enforcement. According to news reports, Hossain was returning home with a friend in June when police from Sajiali camp stopped them and demanded to search their bags. Hossain ran away, leading police to chase and beat him until he lost consciousness. When he regained consciousness, police said he was arrested with cannabis in his possession. Police then released Hossain in exchange for a bribe of 6,000 taka (\$71) and threatened to place him in interrogative custody if he told anyone about the incident. When Hossain returned home, his condition deteriorated and he was admitted to Queen's Hospital in Jashore, where a kidney specialist reported Hossain's kidneys had stopped working and that he would need regular dialysis. Following news reports of the incident, two Supreme Court lawyers submitted a writ petition to the High Court seeking the government take necessary action against the police responsible for torturing Hossain. In response to the High Court request, the Superintendent of Jashore police submitted an investigative report to the Court, saying three police officers had taken "unethical benefits" from Hossain's father in exchange for releasing him from custody.

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 many instances of torture occurred during remand.

In September the international organization Reporters without Borders (RSF) reported the release of news editor and journalist Faridul Mostafa after an 11-month detention following news coverage of corruption in connection with local government authorities and drug trafficking. In stories published before his detention, Mostafa's reporting alleged a connection between Teknaf police officer-in-charge Pradeep Das and local drug cartels. Mostafa was arrested on September 2019 and according to his wife, tortured in custody. When Mostafa appeared in court three days after his arrest, his wife said his hands and legs were broken, and the nails of his fingers and toes were pulled out. His eyesight had been badly affected by red chili powder rubbed in his eyes and he was forced to drink sewage water, causing severe diarrhea. The RSF said police planted drugs, firearms, and alcohol and pretended to discover them as grounds to keep Mostafa in jail. Mostafa was released in August, following the arrest of Das in connection with a

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retired army major's killing (see section 1.a.).

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

Prison conditions were harsh and at times life threatening due to severe overcrowding, inadequate facilities, and a lack of proper sanitation. There were no private detention facilities.

**Physical Conditions:** According to the Assistant Inspector General of Prisons, in March more than 89,000 prisoners occupied a system designed to hold 41,244 inmates. When the first COVID-19 cases appeared in the country in March, federal authorities instituted a policy requiring prison authorities to screen all incoming inmates for symptoms and keep them in a short quarantine. Superintendents at field prisons said they had no capacity to isolate inmates infected by COVID-19. Authorities often incarcerated pretrial detainees with convicted prisoners.

Officials reported only 11 prison doctors provide care to the 89,000 inmates, causing prisons to employ nurses or pharmacists to provide medical care to them.

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 “very important persons” (VIP) to access “Division A” prison facilities with improved living conditions and food, more frequent family visitation rights, and the provision of another prisoner without VIP status to serve as an aide in the 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 held female prisoners separately from men.

In August, three male youths died in a juvenile correction center in Jashore. Officials at the correction center said the boys were killed in a fight with other inmates; however, days after the incident, the Bangladesh National Women Lawyers Association reported allegations of torture in the correction center and

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demanded a separate judicial inquiry into the death. A journalist reported juvenile centers made no effort to rehabilitate youths in custody, had appointed officials not trained to handle juvenile delinquency, and treated the youths as criminals as opposed to juveniles with special needs. The investigative report found “huge irregularities” in providing food, medicines, and other essentials and said the youths were tortured for protesting these irregularities. In at least one instance, inmates deemed “loyal” were used to torture defiant inmates.

Although Dhaka’s central jail had facilities for those with mental disabilities, not all detention facilities had such facilities, nor are they required 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 ombudsperson to whom prisoners could submit complaints. Prisons lacked any formal process for offenders to submit grievances. The scope for retraining and rehabilitation programs was extremely limited.

**Independent Monitoring:** The government permitted visits from governmental inspectors and nongovernmental observers who were aligned with the incumbent party. No reports on these inspections were released.

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

The constitution prohibits arbitrary arrest and detention, but the law 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 law also permits authorities to arrest and detain individuals without an order from a magistrate or a warrant if authorities perceive the individual is involved with a “cognizable offense.” The constitution provides for the right of any person to challenge the lawfulness of his or 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



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counsel, or without acknowledging having arrested them.

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

The constitution requires arrests and detentions be authorized by a warrant or occur as a result of observation of a crime in progress, but the law 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 was not regularly enforced. 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 law enforcement routinely rearrested bailed individuals on other charges, despite a 2016 directive from the Supreme Court's Appellate Division prohibiting rearrest of persons in new cases without producing them in court when they are released on bail.

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 this.

**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 regarding other suspects. The expansiveness of the 1974 Special Powers Act grants a legal justification for arrests that would often otherwise be considered arbitrary, since it removes the requirement arrests be based on crimes that have occurred previously. Human rights activists claimed police falsely constructed cases to target opposition leaders, workers, and supporters, and that the government used the law enforcement agency to crack down on political rivals.

According to news reports, between July and September government authorities

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arrested at least 251 returning migrant workers from Southeast Asia and the Middle East with allegations of “tarnishing the image of [Bangladesh].” Amnesty International said the number of arrested workers was at least 370. In response to media queries, the police said the migrant workers’ destination countries had requested authorities to detain the workers once they returned to the country; however, human rights groups characterized these requests as specious and said while some of the returning workers were jailed abroad, they had all either completed their sentences or had their sentences commuted due to COVID-19. Prior to their detention in Bangladesh, several of the jailed returnee migrant workers said they were victims of human trafficking in their destination country. Approximately 80 detained migrant workers received bail in October, while the rest remained in prison. On October 8, the High Court directed a Dhaka police station to appear before the court to explain the legal reason for the migrants’ detention.

**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.

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

The law provides for an independent judiciary, but corruption and political interference compromised its independence.

Human rights observers maintained magistrates, attorneys, and court officials demanded bribes from defendants in many cases, or courts ruled based on influence from or loyalty to political patronage networks. Observers claimed judges who made decisions unfavorable to the government risked transfer to other jurisdictions. 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.

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In September the High Court ordered BRAC Bank to pay 1.5 million taka (\$17,705) to Jahalam, a jute factory worker held for three years and repeatedly misidentified as another man accused of fraud and embezzlement, for his wrongful imprisonment since two of BRAC Bank's officials supplied a photo of Jahalam instead of the real accused. In delivering the verdict, the High Court cautioned the Anti-Corruption Commission to be careful in investigating inquiries and in appointing investigating officers so that similar incidents did not occur in the future. The court also expressed appreciation to the two media outlets for publishing reports on Jahalam's wrongful imprisonment.

### **Trial Procedures**

The constitution provides 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.

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. Defendants do not have the right to a timely trial. 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 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 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 June the High Court ruled mobile courts could not hold trials against children.

In March a mobile court accompanied by a group of law enforcement officers and magistrates in Kurigram district broke into the home of journalist Ariful Islam,

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beat him, took him to the deputy commissioner's office, and sentenced him to one year in prison on charges of possessing narcotics. Within days, the minister for public administration said the deputy commissioner would be removed for "irregularities" in Islam's case. Legal experts called the mobile court's actions illegal because the court did not have the authority to break into Islam's home and beat him. In September the same ministry established an official committee to investigate the incident related to the "illegal arrest, torture, and punishment" of Islam.

### **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. Police jailed opposition party activists throughout the year for criticizing the government over its actions in managing COVID-19.

In February 2018 former prime minister of Bangladesh and chairperson of the opposition Bangladesh National Party (BNP), Khaleda Zia, was sentenced to five years' imprisonment on corruption and embezzlement charges, which were first filed in 2008 under a nonpartisan caretaker government. In October 2018 the High Court increased her sentence to 10 years. International and domestic legal experts commented on the lack of evidence to support the conviction, suggesting a political ploy to remove the leader of the opposition from the electoral process. The courts were generally slow in considering petitions for bail on her behalf. In March the government suspended Zia's sentence for six months on humanitarian grounds, and suspended it again in September for another six months. In both instances the government restricted Zia's travel, saying she would receive medical treatment in Dhaka and could not travel abroad.

On July 3, the court sentenced nine men to death and 25 men to life imprisonment for a 1994 attack on a train carrying Prime Minister Sheikh Hasina; at the time she was the leader of the opposition party. The convicted persons were all BNP members. BNP Secretary General Mirza Fakhrul Islam Alamgir condemned the verdict and said the case was "fake and fabricated," alleging the Awami League

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had staged the attack.

### **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 ombudsperson, one had not been established.

In September a Dhaka court sentenced three police officers to life imprisonment and two others to seven years in prison over the 2014 custodial death of Ishtiaque Hossain Jonny. The convicted were also fined, funds payable to Jonny's family. This was the first verdict under the Torture and Custodial Death (Prevention) Act, 2013.

### **Property Restitution**

The government did not implement a 2001 act to accelerate the process of return of land to primarily Hindu individuals (see section 6). 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 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 local police, civil authorities, and political leaders were sometimes involved in evictions or shielded politically influential land grabbers from prosecution (see section 6). In 2016 the government amended a law which may allow for land restitution for indigenous persons living in the Chittagong Hill Tracts (CHT), but the disputes have not been resolved (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

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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 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.

Between March and September, the government became increasingly active in monitoring social media sites and other electronic communications in order to scan public discussions on COVID-19 and the government's handling of the virus. In March the Information Ministry announced the formation of a unit to monitor social media and television outlets for "rumors" related to COVID-19.

In September the High Court asserted citizens' right to privacy and said the collection of call lists or conversations from public or private phone companies without formal approval and knowledge of the individual must stop. In its verdict the court stated, "It is our common experience that nowadays private communications among citizens, including their audios/videos, are often leaked and published in social media for different purposes."

## **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. Many journalists self-censored their criticisms of the government due to harassment and fear of reprisal.

**Freedom of Speech:** The constitution equates criticism of the constitution with sedition. Punishment for sedition ranges from three years to life imprisonment.

The law limits hate speech but does not define clearly what constitutes hate speech, which permits the government broad latitude to interpret it. 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 which constitutes contempt of court, defamation, or incitement to an offense. The

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law criminalizes any criticism of constitutional bodies.

The 2018 Digital Security Act (DSA), passed ostensibly to reduce cybercrime, provides for sentences of up to 10 years' imprisonment for spreading "propaganda" against the Bangladesh Liberation War, the national anthem, or the national flag.

During the COVID-19 outbreak, the government widely used the DSA against persons questioning the government's handling of the pandemic. The government also issued other restrictions on freedom of speech. On April 16, the Department of Nursing and Midwifery banned nurses from speaking to the press after the media reported the health sector's lack of preparation in managing COVID-19. On April 23, Health Minister Zahid Maleque banned all health officials from speaking with the media.

On October 13, the Ministry of Home Affairs issued a press release restricting "false, fabricated, misleading and provocative statements" regarding the government, public representatives, army officers, police, and law enforcement through social media in the country and abroad. The release said legal action would be taken against individuals who did not comply, in the interest of maintaining stability and internal law and order in the country.

During the week of May 3, press outlets reported at least 19 journalists, activists, and other citizens were charged under the DSA with defamation, spreading rumors, and carrying out antigovernment activities. Media accounts of a police case report involving 11 accused individuals detailed Rapid Action Battalion search of mobile phones of two accused and found "antigovernment" chats with other accused individuals. According to the police, these "antigovernment" chats sufficed as evidence to charge and detain the individuals under the DSA.

**Freedom of Press and Media, Including Online Media:** Both print and online independent media were active and expressed a wide variety of views; however, media outlets that criticized the government were pressured by the government.

The government maintained editorial control over the country's public television station and mandated private channels broadcast government content at no charge to the viewer. Civil society organizations said political interference influenced the

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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 and student affiliates of the ruling party, subjected journalists to physical attacks, harassment, and intimidation, especially when tied to the DSA. The DSA was viewed by human rights activists as a government and ruling party tool to intimidate journalists. The Editors' Council, an association of newspaper editors, stated the DSA stifled investigative journalism. Individuals faced the threat of being arrested, held in pretrial detention, subjected to expensive criminal trials, fines, and imprisonment, as well as the social stigma associated with having a criminal record.

On April 10, during the government instituted lockdown to control COVID-19 transmission, a police constable from Hazaribagh police station beat Nasir Uddin Rocky, a journalist with *Daily Jugantar*, and his brother Saifuddin Quraish, a health worker, even though both men had cards around their necks identifying themselves as essential workers. Officials relieved the constable of his duties, and nongovernmental organizations (NGO) reported the police had initiated an investigation into the case.

**Censorship or Content Restrictions:** Independent journalists and media alleged intelligence services influenced media outlets in part by withholding financially important government advertising and pressing private companies to withhold their advertising as well. The government penalized media that criticized it or carried messages of the political opposition's activities and statements. In September a group of media experts, NGOs, and journalists said the downward trend of the rule of law and freedom for the media went hand in hand with government media censorship, which, in civil society's view, translated to the government's distrust of society.

Privately owned newspapers usually were free to carry diverse views. Political polarization and self-censorship remained a problem. Investigative journalists often complained of their management and of editors "killing" reports for fear of pressure from the government and its intelligence agencies. Some journalists received threats after publishing their stories.



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

**Libel/Slander Laws:** Libel, slander, defamation, and blasphemy are treated as criminal offenses, most commonly employed against individuals speaking against the government, the prime minister, or other government officials. As of July, 420 petitions requesting an investigation had been filed under the Digital Security Act with more than 80 individuals arrested. Law referring to defamation of individuals and organizations was used to prosecute opposition figures and members of civil society.

**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.

During June and July, the RSF reported a number of societal attacks against journalists, many in connection with anger over published reports with allegations of corruption and nepotism in the government's COVID assistance response. According to the RSF, 10 men beat journalist Shariful Alam Chowdhury with steel bars, machetes, and hammers. During the beating, Chowdhury's arms and legs were broken. Chowdhury's family told the RSF they believed local village council authorities called for this attack.

### Internet Freedom

The government restricted and disrupted access to the internet and censored online content in isolated incidents. The government banned virtual private networks and voice over internet protocol telephone 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

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being in violation of legal requirements.

During the year the government restricted 3G and 4G mobile internet service in Rohingya refugee camps for “security reasons,” according to government officials, and ordered mobile service providers to stop selling SIM cards to Rohingya refugees.

The Bangladesh Telecommunication Regulatory Commission (BTRC) is charged regulating 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.

*Al-Jazeera* remained blocked in the country; the government blocked it in March 2019, hours after it published an article detailing the alleged involvement of a senior security and defense figure in the disappearance of three men as part of a business dispute involving his wife. In August, *Amar Desh*, a popular news outlet with views favoring the opposition party, started publishing online news through a United Kingdom “.uk” domain. The government had shut down *Amar Desh* in 2016. Less than 24 hours after *Amar Desh* began operating, the government blocked the website.

In early April the BRTC blocked Radio Free Asia affiliate *BenarNews* after the outlet covered a leaked UN memo warning two million Bangladeshis could die from COVID-19 absent appropriate government measures. While access was partially restored in May, observers note the *BenarNews* website was occasionally blocked up to year’s end.

### **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.

In June, Begum Rokeya University authorities filed a complaint under the Digital

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Security Act against Professor Sirajum Munira for a Facebook post the university authorities claimed mocked the late Mohammad Nasim, a former senior government official in the health ministry. Although Munira apologized and deleted the post, police used a screenshot of the deleted post as evidence to arrest her. Several days later a private attorney filed a police complaint under the Digital Security Act against Rajshahi University professor Kazi Zahidur Rahman for making “defamatory comments” regarding Nasim in two Facebook posts. Rahman was later arrested in connection with this complaint. Media reported both Begum Rokeya University and Rajshahi University suspended these professors following their arrests.

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

The government limited or restricted freedoms of peaceful assembly and association.

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

The law provides 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. The government requires advance permission for gatherings such as protests and demonstrations.

According to human rights NGOs, authorities continued to use approval provisions to disallow gatherings by opposition groups and imposed what observers saw as unreasonable requirements for permits. Occasionally police or ruling party activists used force to disperse demonstrations.

#### **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.).

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The law places 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).

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

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

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

The law provides for freedom of internal movement, emigration, and repatriation, and the government generally respected these rights, except in two sensitive areas: the CHT and the Rohingya camps in Cox's Bazar. The government enforced restrictions on access to the CHT by foreigners and also restricted the movement of Rohingya refugees. While foreign travel is allowed, some senior civil society and international NGO representatives reported harassment and delays at the airport when applying for a visa, entering, or departing the country. The government prevented war crimes suspects from the 1971 independence war from leaving the country.

### **e. Status and Treatment of Internally Displaced Persons**

Societal tensions and marginalization of indigenous persons continued in the CHT as a result of a government policy initiated during an internal armed conflict from 1973-97. This policy relocated landless Bengalis to the CHT with the implicit objective of changing the demographic balance to make Bengalis the majority, displacing tens of thousands of indigenous persons.

The internally displaced persons (IDPs) in the CHT had limited physical security. Community leaders maintained indigenous persons faced widespread violation of their rights by settlers, sometimes supported by security forces. See section 6, indigenous persons.

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 recently estimated slightly more than

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90,000 indigenous IDPs resided in the CHT. The prime minister pledged to resolve outstanding land disputes in the CHT to facilitate the return of the IDPs and close remaining military camps, but the taskforce on IDPs remained unable to function due to a dispute over classifying settlers as IDPs. The commission reported authorities displaced several indigenous families to create border guard camps and army recreational facilities. No land disputes were resolved during the year.

### **f. Protection of Refugees**

The government is not a party to the 1951 Convention Relating to the Status of Refugees or the 1967 Protocol. As a result the government claims it is not under legal obligation to uphold the basic rights enshrined in this treaty.

Prior to the 2017 Rohingya arrivals, the government and the UN High Commissioner for Refugees (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 the International Organization for Migration provided assistance to approximately 200,000 undocumented Rohingya living in makeshift settlements in Cox's Bazar. In August 2017 more than 700,000 Rohingya fled ethnic cleansing and other atrocities in neighboring Burma to seek safe haven in Bangladesh. As a result of this influx, more than 860,000 registered Rohingya refugees were living in refugee camps, makeshift settlements, and host communities. The government did not recognize the arrivals as refugees, referring to them instead as "forcibly displaced Myanmar nationals." In practice, however, the government abided by many of the established UN standards for refugees. One notable exception was the Rohingya did not enjoy full freedom of movement throughout the country.

A National Task Force under the Ministry of Foreign Affairs led the coordination of the overall Rohingya crisis. The Ministry of Disaster Management and Relief coordinated the Rohingya response with support from the army and border guards. At the local level, the Refugee, Relief, and Repatriation Commission provided coordination. While telecommunication services in Cox's Bazar were restored in August, the one-year restriction limited access to mobile and internet service in and

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around camps and hampered emergency response and coordination of life-saving services, including the Protection Hotline for reporting incidents of violence or abuse, and sharing critical information related to the coronavirus.

**Abuse of Migrants, Refugees, and Stateless Persons:** The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to Rohingya refugees. NGOs reported human trafficking was common in the camps with few cases prosecuted in the country's judicial system. When discovered, government officials returned trafficking victims to the camps.

International organizations reported gender-based violence directed against women in the camps, with intimate partner violence comprising an overwhelming majority--approximately 70 to 80 percent--of the cases. International organizations warned the numbers could increase further if the dearth of livelihood and educational opportunities for Rohingya men continued.

Accountability for all crimes, including human trafficking, remained a problem. Rohingya relied on government officials responsible for each camp (also known as the Camps in Charge, or CiC) to address allegations of crime. The CiCs were largely autonomous in practice and varied in terms of responsiveness to camp needs. According to international organizations, some CiCs were susceptible to corruption. International organizations alleged some border guard, military, and police officials were involved in facilitating trafficking of Rohingya women and children, ranging from "looking the other way," to bribes for allowing traffickers to access Rohingya in the camps, to direct involvement in trafficking.

In May the Bangladesh navy rescued Rohingya boat refugees stranded in the open waters and later brought 306 of these refugees to Bhasan Char, a Bangladeshi, remote island in the Bay of Bengal. Rohingya located at Bhasan Char had no means to travel to camps in Cox's Bazar, where many claimed to have family members. Bhasan Char residents had no means to exit the island, leading some human rights groups to characterize the Rohingya stay on the island as "detention." Despite pleas from international human rights groups to move the refugees to the mainland, the government rejected the request and said the refugees lived better lives on the island than within the cramped living conditions in Cox's Bazar.

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Authorities have not yet agreed on terms of reference with the UN for an independent protection mission or terms of reference for a technical assessment of Bhasan Char. Human Rights Watch and other human rights groups stated the Rohingya refugees relocated to the island as of September lacked medical access and proper sanitation, including supplies for safe menstrual hygiene. Those on the island state they are denied freedom of movement and have no access to sustainable livelihoods or education. On September 21, several Rohingya refugees began a hunger strike to protest their continued stay on the island. International media, including the Guardian, reported security forces on the island have sexually assaulted Rohingya refugees. Human Rights Watch also reported navy personnel beat them with rubber sticks and tree branches when they protested their stay on the island. Authorities have not investigated these reports.

International media, including The Guardian, reported authorities relocated an additional 1,642 Rohingya refugees to Bhasan Char in early December, and an additional 1,800 in late December. Future relocations are planned, and questions regarding the voluntariness of those refugees relocating remain.

**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 significant protection and assistance to Rohingya refugees resident in the country. Prior to 2017, the government cooperated with UNHCR to provide temporary protection and basic assistance to registered refugees resident in two official camps. After the 2017 arrival of more than 740,000 additional Rohingya refugees, the government started to register the new refugees biometrically and provided identity cards with their Burmese addresses. At the end of 2019, the government completed the second phase of its joint registration exercise with UNHCR to verify Rohingya refugees and issue identity cards that replaced prior cards and provided for protection of Rohingya refugees, consistent with the government's stance against forced returns to Burma. Despite this documentation system, the lack of formal refugee status for Rohingya and clear legal reporting mechanisms in the camps impeded refugees' access to the justice system.

**Freedom of Movement:** There were restrictions on Rohingya freedom of

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movement. According to the 1993 memorandum of understanding between Bangladesh and UNHCR, registered Rohingya refugees are not permitted to move outside the two official camps. After the August 2017 influx, police set up checkpoints on the roads to restrict travel by both registered refugees and new arrivals beyond the Ukhia and Teknaf subdistricts. In 2019 the government began erecting watchtowers and fencing in the camps; the government stated the objective was to better secure the camp and protect Rohingya from migrant smuggling, while humanitarian agencies expressed concerns that fencing would hinder delivery of services to refugees and exacerbate tensions between refugees and host communities.

Many camp authorities introduced curfews and law enforcement patrols, particularly at night, in response to reported concerns about violent attacks, abductions, or kidnappings in the camps.

**Employment:** The government did not formally authorize Rohingya refugees living in the country to work locally, although it allowed limited cash-for-work activities for Rohingya to perform tasks within the camps. Despite their movement restrictions, some refugees worked illegally as manual laborers on the informal economy, where some were exploited as labor trafficking victims.

**Access to Basic Services:** The rapid increase in the population strained services both inside and outside of the designated camps and makeshift settlements. The UN-led Inter Sector Coordination Group (ISCG) coordinates the many actors and agencies providing basic services to the Rohingya. Nonetheless, according to the ISCG, refugees lived in congested sites which were poorly equipped to handle the monsoon rains and cyclone seasons. While agencies made significant efforts to move those most vulnerable, the shortage of land remained a central issue hindering the ability of Rohingya to access basic services.

Public education remained a problem. The government continued its policy prohibiting formal education but allowed informal education of Rohingya children. UNICEF led the education sector in developing a comprehensive learning approach to guide the education interventions of humanitarian partners in the camps. Primary education followed a learning framework developed by UNICEF and endorsed by the government; it does not confer recognition or certify students



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have attained a specific education level by the Bangladeshi or Burmese government, however. In January the government endorsed an education sector pilot program to provide education using the Burmese national curriculum to 10,000 Rohingya refugee children by the end of the year. Implementation has been delayed due to COVID-19-related closures of refugee learning centers.

Government authorities allowed registered and unregistered Rohingya regular access to public health care but Rohingya needed authorities' permission to leave the camp. Humanitarian partners ensured their health-care expenses were covered and that they returned to the camps. The health sector maintained information on all of the health facilities within the camps and the surrounding areas. Based on the data available, overall coverage met the minimum requirements.

### **g. Stateless Persons**

The Rohingya in the country were legally or in fact 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:** Prime Minister Sheikh Hasina and her Awami League (AL) party won a third consecutive five-year term in a December 2018 parliamentary election that observers considered neither free nor fair and was marred by irregularities, including ballot-box stuffing and intimidation of opposition polling agents and voters. With more than 80 percent of the vote, the AL and its electoral allies won 288 of 300 directly elected seats, while the main opposition BNP and its allies won only seven seats. Parliament conferred the official status of opposition on the Jatiya Party, a component of the AL-led governing coalition, which seated 22 members in parliament. During the campaign leading to the election, there were credible reports of harassment, intimidation, arbitrary arrests, and violence

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that made it difficult for many opposition candidates and their supporters to meet, hold rallies, or campaign freely.

During the 2018 national elections, the government did not grant credentials or issue visas within the timeframe necessary to conduct a credible international monitoring mission to the majority of international election monitors from the Asian Network for Free Elections. Only seven of the 22 Election Working Group NGOs were approved by the Home Ministry, NGO Affairs Bureau, and the Election Commission to observe the domestic election.

Low voter turnout, intimidation, irregularities, and low-scale violence targeting opposition-nominated candidates during campaigns and voting marked several by-elections throughout the country during the year.

**Political Parties and Political Participation:** The government mobilized law enforcement resources to level civil and criminal charges against opposition party leaders. BNP leader Khaleda Zia was convicted and imprisoned in 2018 based on corruption charges filed under a nonpartisan caretaker government in 2008. Up to March, Zia was unable to take advantage of bail awarded in this case pending appeal due to more than two dozen other charges filed against her in recent years by the government. Following the outbreak of COVID-19 in March, the government suspended Zia's jail sentence for six months in consideration of her age and illness and, on March 25, released her on the condition she would not leave the country. In September the government extended this provision for six more months on the same condition after her family filed a petition seeking her "permanent release" and permission to go abroad for medical care. The BNP claimed police implicated thousands of BNP members in criminal charges prior to the 2018 national election and detained many of the accused. Human rights observers claimed many of these charges were politically motivated.

Opposition activists faced criminal charges. Leaders and members of Jamaat-e-Islami (Jamaat), the largest Islamist political party in the country, could not exercise their constitutional freedoms of speech and assembly because of harassment by law enforcement. Jamaat was deregistered as a political party by the government, prohibiting candidates from seeking office under the Jamaat name, and the fundamental constitutional rights of speech and assembly of its

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leaders and members were denied. Media outlets deemed critical of the government and the AL were subjected to government intimidation and cuts in advertising revenue, and practiced some self-censorship to avoid adverse actions by the government.

AL-affiliated organizations such as its student wing, the Bangladesh Chhatra League (BCL), reportedly carried out violence and intimidation around the country with impunity, including against individuals affiliated with opposition groups. On June 22, activists of the youth and student wings of the Awami League attacked a BNP relief team near Chuna bridge in Shyamnagar upazila of southwestern Satkhira District, leaving at least 10 individuals injured. Newspapers quoted BNP leaders and local residents as saying the BNP relief team was on its way to areas hit by hurricane Amphan.

On September 16, a Speedy Trial Tribunal in Dhaka indicted 25 ruling party student activists for the October 2019 killing of Abrar Fahad Rabbi, a student at Bangladesh University of Engineering and Technology. Rabbi was beaten to death over suspected involvement with the group Shibir, Jamaat-e-Islami's student wing, and following several Facebook posts criticizing recent bilateral agreements with India.

The 86 criminal charges filed by the government against BNP Secretary General Mirza Fakhrul Islam Alamgir in previous years remained unresolved; Alamgir remained free on bail. The charges involved attacks on police, burning buses, and throwing bombs.

In some instances, the government interfered with the right of opposition parties to organize public functions and restricted broadcasting of opposition political events. Political parties, however, had limited outdoor activities this year as the COVID-19 pandemic forced them to go virtual or stay indoors.

**Participation of Women and Members of Minority Groups:** No laws limit participation of women or members of minorities in the political process, and they did participate. In 2018 parliament amended the constitution to extend by 25 additional years a provision that reserves 50 seats for women. These female parliamentarians are nominated by the 300 directly elected parliamentarians. The

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seats reserved for women are distributed among parties proportionately to their parliamentary representation. Political parties failed to meet a parliamentary rule to have women comprise 33 per cent of all committee members by the end of the year, leading the Electoral Commission to propose eliminating the rule altogether.

### **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. In April the media reported numerous accounts of local authorities embezzling government food assistance during the pandemic and the related government-imposed lockdown. In one instance, law enforcement authorities arrested a union committee chairman after finding 299 sacks of rice in his private warehouse. In response to these reports, the prime minister announced on April 20 her plan to install 64 midlevel officials from the central government to monitor and report on relief operations.

In June, Kuwaiti authorities arrested Bangladeshi member of parliament Mohammad “Shahid” Islam, purportedly for trafficking Bangladeshi workers to Kuwait through an illicit visa trading scheme as well as money laundering. Shahid was chief executive officer of a contracting company in Kuwait with an estimated 26,000 workers of Bangladeshi, Indian, and Nepali nationalities. Media reported Shahid bribed Kuwaiti officials with cars to secure contracts for his company in Kuwait.

In September, Transparency International said only a few isolated cases of government corruption were publicly disclosed because the government placed greater effort on preventing stories of corruption from leaking than on taking action against corruption itself.

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

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**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.

### **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 were rarely cooperative and responsive to their views.

Although human rights groups often sharply criticized the government, they also practiced some self-censorship. Observers commented on the government's strategy to reduce the effectiveness and inhibit operations 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 public criticism of government policies.

The government continued to restrict the funding and operations of the human rights organization Odhikar, which in turn continued to report harassment by government officials and security forces, including disruption of their planned events.

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 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.

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The law restricts foreign funding of NGOs and includes punitive provisions for NGOs making “derogatory” comments regarding the constitution of the country, its founding history, or constitutional bodies (that is, government institutions and leaders).

**The United Nations or Other International Bodies:** The government did not respond to a UN Working Group on Enforced Disappearances request to visit the country. The Office of the UN Resident Coordinator in the country reported 15 other pending requests for UN special rapporteurs to visit the country, including the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions; the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association; and the Special Rapporteur on the Promotion and Protection of Human Rights and fundamental freedoms while countering terrorism.

**Government Human Rights Bodies:** The National Human Rights Commission (NHRC) has seven members, including five honorary positions. The NHRC’s primary activities are to investigate human rights violations, address discrimination in law, educate the public on human rights, and advise the government on key human rights issues.

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

### Women

**Rape and Domestic Violence:** The law only prohibits rape of girls and women by men and physical spousal abuse, but the law excludes marital rape if the girl or woman is older than 13. Rape can be punished by life imprisonment or the death penalty.

Credible human rights organizations found rape remained a serious issue in the country, with reported rapes throughout the year roughly keeping pace with previous years. Domestic human rights group Ain o Salish Kendra reported at least 975 women were raped during the first nine months of the year. In comparison, Odhikar reported 1,080 women and children were raped between January and December 2019; among them 330 were women, and 737 were below

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the age of 18.

There were reports of sexual violence committed with impunity. In October a video of several men gang-raping a woman was released on social media. The video showed the men using sticks to torture the women and helping each other rape the woman. In the video the woman can be heard pleading, “I am calling you my father, my brother, please let me go! For the sake of Allah let me go!” Social outrage after the video was released online led to protests throughout the country. In response the government released an ordinance introducing the death penalty as the maximum punishment for rape, and on October 15 a court sentenced five men to death for the 2012 gang rape of a 15-year-old girl. Activists doubted the death penalty would deter future sexual assaults. Local lawyers cite the conviction rate for rape as less than 3 percent.

In September a newlywed couple visited a Sylhet college campus where they were accosted by a group of six men, all members of the ruling party’s student wing. The men forced both of them into a hostel on campus, tied up the husband, and gang-raped the wife. The husband immediately filed a complaint with the police. The incident triggered protests at the college with demonstrators alleging the accused “moved with impunity.” Demonstrators said college authorities kept the hostel--a dormitory controlled by the student political leaders--open during the pandemic, when other educational institutions had closed, “fully aware of various criminal activities” in the dormitories. Police later arrested all named suspects.

According to guidelines for handling rape cases, the officer in charge of a police station must record any information relating to rape or sexual assault irrespective of the place of occurrence. Chemical and DNA tests must be conducted within 48 hours from when the incident was reported. Guidelines also stipulate every police station must have a female police officer available to victims of rape or sexual assault during the recording of the case by the duty officer. The statements of the victim must be recorded in the presence of a lawyer, social worker, protection officer, or any other individual the victim deems appropriate. Victims with disabilities should be provided with government-supported interpretation services, if necessary, and the investigating officer along with a female police officer should escort the victim to a timely medical examination.

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A collection of political, sociocultural, and human rights groups said incidents of rape continued to occur due to a culture of impunity. According to human rights monitors, many victims did not report rapes due to lack of access to legal services, social stigma, fear of further harassment, and the legal requirement to produce witnesses. The burden is on the rape victim to prove a rape occurred, using medical evidence.

**Other Harmful Traditional Practices:** Some media and NGOs reported violence against women related to disputes over dowries, despite recent legal changes prohibiting dowry demands. Under law an individual demanding or giving a dowry can be imprisoned for up to five years, fined, or both. ASK found 66 incidents of wives killed over dowry disputes during the first nine months of the year.

In June, Fatema Jinnan Jotsnya, age 25, was admitted to the hospital after her husband hit her on the head with an iron rod. She later died of her injuries. According to the police statement, Jotsnya's husband beat her every Saturday over unfulfilled dowry expectations. Following Jotsnya's death, her brother filed a case against the husband, his mother, and three other accused. Police arrested the husband, who confessed to his involvement in Jotsnya's death.

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 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 frequently related to a woman's refusal to accept a marriage proposal or were related to land or other money



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disputes. In November 2019 the Acid Survivor Foundation said acid attacks dropped from 494 incidents in 2002 to eight during the first six months of 2019.

**Sexual Harassment:** Although sexual harassment is prohibited by a 2009 High Court guideline, harassment, also known as “Eve teasing,” was common according to multiple NGOs. During the pandemic, Manusher Jonno foundation, a local human rights group, found multiple instances of women reporting sexual harassment while receiving food assistance.

**Reproductive Rights:** Couples and individuals have the right to decide the number, spacing, and timing of their children; to manage their reproductive health; and to have access to the information and means to do so, free from discrimination, coercion, or violence. LGBTI groups reported lesbian and bisexual women lacked access to basic sexual and reproductive health care.

Civil society organizations reported that survivors of child marriage had less negotiating power to make family planning choices. According to the 2017-18 *Bangladesh Demographic and Health Survey* (BDHS), three out of five girls marry by age 18, with an adolescent birth rate of 28 percent. UNICEF also found nearly five in 10 child brides gave birth before age 18 and eight in 10 child brides gave birth before age 20.

A full range of contraceptive methods, including long-acting reversible contraception and permanent methods, were available through government, NGO, and for-profit clinics and hospitals. Low-income families were more likely to rely on public family planning services offered free of cost. Religious beliefs and traditional family roles served as barriers to access. Government district hospitals had crisis management centers providing contraceptive care to survivors of sexual assault.

According to the World Bank’s most recent estimates, maternal mortality ratio declined from 2000 to 2017. During that timeframe, the ratio dropped from 434 to 173 maternal deaths per 100,000 live births. According to the 2017 BDHS, 12 percent of married women of reproductive age had unmet family planning needs. Weaknesses in the public health system, such as lack of trained providers and equipment in rural areas, resulted in inequitable access to information and services

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around the country.

**Coercion in Population Control:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

**Discrimination:** The constitution declares all citizens equal before the law with entitlement to equal protection under 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.” According to human rights NGOs, the government did not always enforce the constitution or the laws pertaining to gender equality effectively. 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. In September the High Court issued a ruling stating Hindu widows in the country were entitled to all properties of their deceased husbands—including agricultural property. Previously Hindu women were entitled only to their husband’s homestead properties.

### 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 now part of the country. The government currently does not register births for Rohingya refugees born in Cox’s Bazar. 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.

**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. Teacher fees, books, and uniforms remained prohibitively costly for many families, despite free classes, 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

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boys than girls completing that level. Early and forced marriage was a factor in girls' attrition from secondary school. Educational institutions closed in mid-March due to the pandemic and the government extended these closures until October, moving to a fully online curriculum. Numerous civil society organizations said many families of school-aged children struggled to find access to the internet in order to benefit from online schooling.

**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. Children were vulnerable to abuse in all settings: home, community, school, residential institutions, and the workplace. The law prohibits child abuse and neglect with a penalty of up to five years, a fine, or both. According to Bangladesh Shishu Adhikar Forum (BSAF), the law was not fully implemented, and juvenile cases--like many other criminal cases--often lagged in the judicial system. The Department of Social Services, under the Ministry of Social Welfare, operated "Child Helpline--1098," a free telephone service designed to help children facing violence, abuse, and exploitation. The hotline received approximately 80,000 calls a year on average and was accessible from anywhere in the country. The hotline center provided services such as rescue, referral, and counseling.

In 2019 the BSAF published a report on child rape, stating children as young as two were among the rape victims and cited a failure of the law and order situation in the country as reason for the increase in child rape. In September the domestic organization Human Rights Support Society found that in the first six months of the year, more than half the number of reported rapes were of children under the age of 16.

During the year former students detailed multiple allegations of sex abuse at the hands of teachers and older pupils in Islamic madrassahs. In September a father of a nine-year-old girl in Cox's Bazar accused his daughter's teacher of raping her inside a local madrassa. Many smaller schools had few teachers and no oversight from governing bodies.

Despite advances, including establishing a monitoring agency in the Ministry of Home Affairs, trafficking of children and inadequate care and protection for

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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.

**Child, Early, and Forced Marriage:** The legal age of marriage is 18 for women and 21 for men. The law includes a provision for marriages of women and men at any age in “special circumstances.” The government did not implement the recommendations raised by child rights organizations, human rights organizations, and development partners concerning this provision.

In October, UNICEF reported 51 percent of women married before reaching 18, a decrease from its 2018 report where the organization estimated the figure at 59 percent.

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. Numerous civil society organizations drew correlations between the extended school closures due to the pandemic and an increased risk of school drop-outs and child marriage.

**Sexual Exploitation of Children:** The penalty for sexual exploitation of children is 10 years’ to life imprisonment. Child pornography and selling or distributing such material is prohibited. In 2019 the NGO Terre des Hommes-Netherlands released a report stating street children were the most vulnerable to sexual exploitation but had little legal redress due to a lack of social and financial support and a lengthy criminal justice system. The report said although the government took “necessary legal and institutional measures to combat commercial sexual exploitation, children face multiple challenges in accessing justice.” The report found 75 percent of female children living on Dhaka streets were at risk of sexual exploitation. Underage girls working in brothels were able to produce notarized certificates stating they were older than age 18, and some NGOs claimed corrupt government and law enforcement officials condoned or facilitated these practices. Traffickers lured girls from all over the country into commercial sexual exploitation in legal and illegal brothels and private hotels.

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**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 <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### Anti-Semitism

There was no Jewish community in the country. Politicians and imams reportedly used anti-Semitic statements to gain support from their constituencies.

### Trafficking in Persons

See the State Department's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### Persons with Disabilities

The law provides for equal treatment and freedom from discrimination for persons with disabilities, and the government took measures to enforce these provisions more effectively. NGOs reported the government took cases of violence based on discrimination against disabled persons seriously, and official action was taken to investigate and punish those responsible for violence and abuses against those with disabilities. Nonetheless, a May academic study found 2.2 million criminal cases against persons with disabilities pending. The study determined that persons with disabilities were “the most vulnerable among the vulnerable.”

Although the law requires physical structures be made accessible to those with disabilities, the government did not implement the law effectively. For example, government buildings had no accommodations for disabled individuals. The law calls for the establishment of local committees to expedite implementation of the law, but most committees had not been activated. In many cases local authorities were not aware of their responsibilities under this law.

The law requires persons with disabilities to register for identity cards to track their

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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 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. A 27-member National Coordination Committee is 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, some children with disabilities did not attend public school due to lack of special accommodation, but data was not readily available. The government trained teachers on inclusive education and recruited disability specialists at the district level. The government also allocated stipends for students with disabilities. A peer-reviewed study released in July found many families with children with disabilities lacked knowledge and access to government programs and benefits. Many organizations reported visually disabled persons experienced difficulties accessing technology, depriving them of equal access to education, information, health, and other basic human rights.

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.

The government took official action to investigate those responsible for violence and abuses against 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

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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 operates 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. The government inaugurated an electronic system to disburse social welfare payments, including disability allowances.

Government inaction limited the rights of persons with disabilities to participate in civic life, including accessibility during elections.

### **Members of National/Racial/Ethnic Minority Groups**

There were no major attacks on religious minorities motivated by transnational violent extremism. There were, however, reports of attacks on Hindu and Buddhist property and temples for economic and political reasons, and some of these faith groups said attacks on religious structures increased during the pandemic.

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

The estimated 300,000 Urdu-speaking population (known as Biharis, originally Urdu-speaking Muslims who migrated to then-East Pakistan before the Bangladesh Liberation War) were formerly stateless, but members from this community said their requests to obtain passports were rejected by immigration officers due to their address. The overwhelming majority of this population still resided in refugee-like camps established by the International Community of the Red Cross in the 1970s, when many believed they would return to Pakistan following the 1971 war.

### **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

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despite provisions for local governance in the 1997 CHT Peace Accord, which has not been fully implemented--specifically the portions of the accord empowering a CHT-specific special administrative system composed of the three Hill District Councils and the Regional Council. Indigenous persons from the CHT were unable to participate effectively in decisions affecting their lands due to disagreements regarding land dispute resolution procedures under the Land Commission Act.

In April during the early onset of the COVID-19 pandemic, multiple NGOs reported severe food insecurity owing to the abrupt job loss by indigenous persons outside CHT. Since many indigenous persons most in need of assistance lived in remote areas difficult to access by vehicles, many indigenous communities reported receiving no government assistance. In October a group of indigenous tribal leaders presented a memorandum to the government stating a significant portion of the food security needs of marginalized communities in CHT remained unmet.

In addition to food insecurity, an August study found land confiscations, livelihood risks, and violence against indigenous women increased during the coronavirus pandemic. While the country had a 20 percent poverty rate, poverty in the plains where some indigenous persons lived was over 80 percent and over 65 percent in CHT. The study also found a lack of health care for indigenous persons. Other organizations corroborated health care available to indigenous persons was well below the standard available to nonindigenous persons in the country.

Indigenous communities in areas other than the CHT reported the loss of land to Bengali Muslims, and indigenous peoples' advocacy groups reported deforestation to support Rohingya refugee camps and other commercial pursuits caused severe environmental degradation in their land, adversely affecting their livelihoods. The government continued construction projects on land traditionally owned by indigenous communities in the Moulvibazar and Modhupur forest areas. In September an indigenous persons organization reported Bengali settlers destroying indigenous land in Bandarban district in order to construct brick kilns. According to the organization, the environmental degradation put the locals' health at risk.

The central government retained authority over land use. The land commission,



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designed to investigate and return all illegally acquired land, did not resolve any disputes during the year. According to one organization, Naika Mardi, an indigenous person and Liberation War fighter, was unable to register 0.04 acres of land to his name, even after trying for 10 years. Madi had been living on this land since before independence in 1971.

The Chakma and Marma indigenous communities, organized under different political groups, engaged in intraindigenous community violence. The factional clashes between and within the United Peoples' Democratic Forum (UPDF) and the Parbatya Chattagram Jana Samhati Samiti resulted mostly from the desire to establish supremacy in particular geographic areas. Media reported many leaders of these factions were engaged in extortion and smuggling of money, drugs, and arms. Meanwhile, the deaths and violence remained unresolved. During the year NGOs and indigenous persons themselves warned intraparty violence in CHT had sharply risen.

In 2019 UPDF leader and indigenous rights activist Michael Chakma disappeared after he left his house for an organizational event. Human rights groups and activists pressed the government to investigate his disappearance and claimed Chakma's criticisms of government activities played a direct factor in his disappearance. Despite a May 2019 High Court order to the Ministry of Home Affairs Secretary for a report on Chakma's disappearance, no investigation had begun at year's end. Police said only that they could not find anyone named "Michael Chakma" in the country. Many observers compared this case with the 1996 disappearance of Kalpana Chakma, another indigenous rights activist and dissident. Despite 39 officers investigating the 1996 case, police in 2018 said they found only "initial proof" of her abduction, while admitting an overall failure to identify the culprit, and concluded the chances of recovering Kalpana Chakma remained unlikely.

Reports of sexual assaults on indigenous women and children by Bengali neighbors or security personnel remain unresolved. In September an organization reported two military personnel raped a ninth-grade indigenous girl from the Kulaura Cameli Duncan Foundation School.

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

Same-sex sexual activity is illegal under the penal code. The government did not actively enforce the law. LGBTI groups reported the government retained the law as a result of societal pressure. LGBTI groups reported police used the law as a pretext to harass LGBTI individuals and individuals who were perceived to be LGBTI regardless of their sexual orientation, as well as 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. Police investigations into crimes against LGBTI individuals remained rare.

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

The law does not prohibit discrimination against LGBTI persons in housing, employment, nationality laws, and access to government services such as health care. LGBTI groups reported official discrimination in employment and occupation, housing, and access to government services.

Organizations specifically assisting lesbians continued to be rare. Strong social stigma based on sexual orientation was common and prevented open discussion of the subject.

The government took positive steps to increase LGBTI inclusion. On September 16, the Director General of the Bangladesh Bureau of Statistics announced the 2021 national census would include *hijra* as a “third gender” category.

### **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.

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

Vigilante killings occurred, but fell from the high totals in 2019 when human rights groups reported 54 individuals lynched, 44 in July 2019 alone. In September police charged 15 suspects with the killing of housewife Taslima Begum, who was publicly lynched in July 2019 after a mob wrongly suspected her of child abduction. Begum and her four-year-old daughter were en route to a government primary school to inquire regarding admitting her girl to school when she was killed. The issuance of illegal fatwas and village arbitration, which a prominent local NGO defined as rulings given by community leaders rather than religious scholars, also occurred.

### **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 cumbersome requirements for union registration remained. The law requires a minimum of 20 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 20 percent. Generally the law allows only wall-to-wall (entire factory) bargaining units. NGOs reported the Registrar of Trade Unions regularly abused its discretion and denies applications for no reason, for reasons not recognized in law or regulation, or by fabricating shortcomings in the application. One union representative explained she had completed all paperwork to form a union and had support from 30 percent of workers, but the union registration was rejected by the Directorate of Labor because the factory claimed it had hundreds of additional employees. Organizers' names were shared with the factory owner and all were fired.

The labor law definition of workers excludes managerial, supervisory, and administrative staff. Firefighting staff, security guards, and employers' confidential assistants are not entitled to join a union. Civil service and security

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force employees are prohibited from forming unions.

The law continued to ban trade unions and severely restricted the right to organize and bargain collectively for the nearly 500,000 workers in export processing zones (EPZs). Worker welfare associations (WWAs), dominated by the Bangladesh Export Processing Zones Authority (BEPZA), continue to replace the function of independent, democratically elected unions in EPZs. The law strictly limits the right to strike, giving BEPZA's chairperson discretion to ban any strike viewed 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. WWAs in EPZs are prohibited from establishing any connection to outside political parties, unions, federations, or NGOs. With the exception of limitations on the right of association and worker protections in the EPZs, the labor law prohibits antiunion discrimination. A labor court may order the reinstatement of workers fired for union activities, but reinstatement was rarely awarded.

The Ministry of Labor and Employment 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. Unfair labor practices, including antiunion discrimination, were expressly prohibited, but 2018 amendments to labor law halved penalties for both employers and workers. Workers were often charged with unfair labor practices; employers rarely were. The government did not effectively enforce applicable laws. Penalties were commensurate with those for other laws involving denials of civil rights. 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 if the factory was built with foreign investment or owned by a foreign investor.

The law establishes mechanisms for conciliation, arbitration, and dispute resolution by a labor court. The Department of Inspection for Factories and Establishments (DIFE) has the authority to mediate wage-related disputes, but its decisions are not binding. The government reported nine complaints were filed for unfair labor

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practices; three were resolved according to the law and standard operating procedures, six remained open, and no employers were penalized. Trade union federations reported they have stopped filing unfair labor cases due to the enormous backlog of existing cases in labor courts.

The law 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. Work stoppages, strikes, and workplace actions were prevalent during the year in several sectors, and generally concerned past-due wages, improper or illegal shutdowns, layoffs, terminations and discrimination. In one example, the manager of Ettade Jeans Ltd. filed a criminal case against 65 to 75 workers who, protesting an announced six-month delay to their holiday bonus, vandalized the factory, severely injured and robbed a man in management, and threatened other workers.

According to Solidarity Center, union registration applications and approvals have declined significantly since 2013, and workers face significant challenges registering unions. Despite the adoption of standard operating procedures for union registration in 2017, Solidarity Center reported the process routinely takes longer than the 60-day maximum time, and nearly half of all union applications are arbitrarily denied. Through August, Solidarity Center's partners assisted nine unions with their registration, and five were approved. The government reported receiving 231 total valid applications in 2020 and approving 145, with 68 still to be reviewed in September.

Workers in the ready-made garment sector reported particular resistance when seeking to establish unions and engage in collective bargaining. In a 2018 survey, the Centre for Policy Dialogue, a local think tank, collected data from 3,856 ready-made garment factories employing 3.6 million workers, and found 97.5 percent of them had no union. During the year the Ministry of Labor and Employment reported the ready-made garment sector had 909 active trade unions and 1,609 participation committees. Labor leaders asserted while there are perhaps 80 to 90 active unions, only 30 to 40 actually negotiate because intimidation, corruption, and violence continue to constrain union organizing. The ministry reported the

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shrimp sector had 16 unions and the leather and tannery sector had 13. The tea sector had one union--the largest in the country--representing 95,000 to 100,000 workers.

Labor rights groups reported workers routinely faced retaliation and violence for asserting their rights under the law, including organizing unions, raising concerns, or even attending union information sessions. For example in June, management at Romana Fashion of East West Industrial Park fired 122 workers including seven union leaders when they pointed out union members were being transferred to different floors and divisions. After thousands protested the prime minister's decision to close 26 state-owned jute mills and force 50,000 into early retirement, two labor leaders were taken from their homes on July 5 by unidentified, armed men, then appeared in police custody 30 hours later under charges stemming from a 2019 protest. When workers protested the closure of Viyellatex Limited, police beat and filed false cases against them, and factory management blacklisted 95 workers for their alleged misconduct and posted a list of their names on the factory wall. Individuals harassed and blocked Solidarity Center staff from approaching the factory, threatening sexual violence against female staff who tried to meet with workers.

Additionally, workers in unions have been subjected to police violence, mass dismissals, and arrests of union leaders for asserting their rights to protest. Police intimidated unions in the ready-made garment industry by frequently visiting their meetings and offices, photographing or recording meetings, and monitoring NGOs supporting trade unions. The International Trade Union Confederation (ITUC) noted major discrepancies in labor legislation that do not align with the standards of the International Labor Organization and emphasized concerns regarding police crackdowns on workers protesting wages. ITUC also called for more measures to restrain interference in union elections.

According to labor law, every factory with more than 50 employees is required to have a participation committee (PC). The law states there shall not be any participation committee if any registered trade union exists in a factory. Employers often selected or appointed workers for the PC instead of permitting worker elections to determine those positions. Employers also failed to comply

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with laws and regulations to ensure the effectiveness and independence of PCs.

Workers from several factories also reported that since August 2018, BGMEA and factory owners have allegedly used a database of ready-made garment workers to blacklist those who brought demands to management or tried to form unions.

Although created after the 2013 Rana Plaza collapse in order to have a record of workers (and potential victims of future disasters), the database now serves to track known union organizers or anyone who has brought a complaint to management to prevent these staff from finding employment at any other factory. Labor organizations also cited examples of factory owners willing to pay up to \$12,000 to the Department of Labor to dismiss a union registration application, or to share the names of organizers.

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

The law prohibits all forms of forced or compulsory labor. Penalties for forced or bonded labor offenses were commensurate with those for other analogous serious crimes. 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.

Over the past year, law enforcement conducted fewer investigations and denied credible reports of official complicity in hundreds of forced labor and commercial sexual exploitation cases. The government does not provide sufficient victim protective services, nor does it consistently follow victim identification procedures. There are no government-owned shelters for adult male 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 assumed 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.

Children and adults were also forced into domestic servitude and bonded labor that involved restricted movement, nonpayment of wages, threats, and physical or

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sexual abuse (see section 7.c.).

Traffickers exploited workers in forced labor through debt-based coercion and bonded labor in the shrimp and fish processing industries, aluminum and garment factories, brick kilns, dry fish production, and shipbreaking. NGOs reported officials permit traffickers to recruit and operate at India-Bangladesh border crossings and maritime embarkation points.

The over 860,000 undocumented Rohingya men, women, and children in refugee camps, who do not have access to formal schooling or work, are vulnerable to forced labor and commercial sexual exploitation, particularly by local criminal networks. International organizations report that officials take bribes from traffickers to access refugee camps.

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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

The law does not prohibit all of the worst forms of child labor. The law regulates child employment, and the regulations depend on the type of work and the child's age. The law establishes the minimum age for work as 14, and the minimum age for hazardous work as 18, with no exceptions. Minors may work up to five hours per day and 30 hours per week in factories and mines or up to seven hours per day and 42 hours per week in other types of workplaces. By law every child must attend school through eighth grade.

The government continued to fund and participate in programs to eliminate or prevent child labor, including building schools and a \$35 million government-funded three-year project that began in 2018 and removed approximately 90,000 children from hazardous jobs. In 2019 the program reintegrated 1,254 children into schools and provided rehabilitation for 3,501 children as well as livelihood support for their parents.

The Labor and Employment 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. Penalties were not



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commensurate with those for other analogous serious crimes, such as kidnapping. DIFE enforces child labor laws in 42 sectors, and in the 2019-20 fiscal year it targeted four hazardous sectors in which to eliminate child labor completely: engineering, bakery, plastic, and hotels. Labor inspectors were not authorized to assess penalties--they have the power only to send legal notices and file cases in court. Even when courts imposed fines, however, they were too low to deter child labor violations.

Agriculture and other informal sectors that had no government oversight employed large numbers of children. The government found children working eight to 10 hours per day in restaurants, engineering workshops, local transportation, and domestic work. The government also reported underage children are found in almost all sectors except the export-oriented ready-made garment (RMG) and shrimp sectors.

Children engaged in the worst forms of child labor in the production of bidis (hand-rolled cigarettes), footwear, furniture and steel, glass, matches, poultry, salt, shrimp, soap, textiles, and jute, including forced child labor in the production of dried fish and bricks. Children also performed dangerous tasks in the production of garments and leather goods bound for the local market, where the Bangladesh Labor Foundation reported 58 percent of workers are under 18, and 18 percent are under the age of 15.

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. In a survey conducted by an international organization, more than 400,000 children were found engaged in domestic work. Children engaged in forced labor in the leather industry and in criminal activities, such as begging and the production and transport of drugs. In begging rings, traffickers abused children to increase earnings.

Rohingya children residing in refugee camps were vulnerable to forced labor. Rohingya girls were trafficked from the camps to Dhaka or foreign countries for domestic servitude. Rohingya children recruited to work outside the refugee camps were reported to be underpaid or unpaid, subjected to excessive working

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hours, or in bonded labor as shop hands, domestic workers, fishermen, and rickshaw pullers.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

### **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 law does not describe a penalty for discrimination. The government did not effectively enforce the law and the penalties were commensurate with those for similar crimes.

The garment sector traditionally offered greater employment opportunities for women. Women represented the majority of garment-sector workers this year, making up more than 50 percent of the total ready-made garment workforce, according to official statistics, although statistics varied widely due to a lack of data. 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 2017 Oxford University and Center for Economic Research and Graduate Education Economics Institute study found 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. Solidarity Center partners reported there were no functioning antiharassment committees in garment factories, but the Garment Exporters' Association announced it had visited more than 1,100 factories to confirm the committees had been established.

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In the tea industry, female workers faced discrimination. Male workers received rice rations for their female spouses, but female tea workers' male spouses were not given rice rations, as they were not considered dependents.

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

The laws prohibiting adolescents from participating in dangerous work specify that women are equal to adolescents and are, therefore, prohibited from working with hazardous machinery, cleaning machinery in motion, working between moving parts, or working underground or underwater.

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

The National Minimum Wage Board established minimum monthly wages on a sector-by-sector basis. The minimum wage was not indexed to inflation, but the board occasionally made cost-of-living adjustments to wages in some sectors. None of the set minimum wages provided a sufficient standard of living for urban dwellers, but many were above the poverty level. Failure to pay the specified minimum wage is punishable by a jail term up to one year, a fine, or both, and the employer should have to pay owed wages.

By law a standard workday is eight hours. A standard workweek is 48 hours, but it 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 six hours a day or a half-hour of rest for more than five hours' work a day. The law states that every worker should be allowed at least 11 festival holidays with full wages in a year, fixed by the employer in consultation with the collective bargaining agent (CBA), if any. Factory workers are supposed to receive one day off every week. Shop workers receive one and one-half days off per week. The labor law did not specify a penalty for forced overtime or failing to pay overtime wages.

The law establishes occupational health and safety standards, and amendments to the law created mandatory worker safety committees. The labor law specified sanctions when failure to comply caused harm; for loss of life, violators are subject

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to a four-year jail term, a fine, or both; for serious injury, a two-year jail term, a fine, or both; and for injury or danger violators face a six-month jail term, a fine, or both. Penalties for violations of occupational safety and health laws were commensurate with those for crimes such as negligence.

Labor law implementing rules outline the process for forming occupational safety and health committees in factories, and the government reported approximately 2,175 safety committees had been formed as of July 2018. The committees include both management and workers nominated by the CBA or, in absence of CBA, workers representatives of the factory's worker participation committee. Where there is no union or worker participation committee, DIFE arranges an election among the workers for their representatives.

DIFE's resources were inadequate to inspect and remediate problems effectively. Labor inspectors only have the authority to make unannounced inspections in non-EPZ factories. They do not have the authority to initiate sanctions; they may notify establishments of violations in writing and lodge complaints in labor courts. DIFE regularly filed cases in the labor courts against employers for administrative violations of the law, such as not maintaining documents. MOLE reported DIFE has filed cases against some factories for failure to pay minimum wages and overtime during the year, but labor organizations had not seen any cases. There were also criticisms regarding DIFE's complaint mechanism. In the current system, a worker must enter his or her name, position, and identity number in DIFE's complaint form. Once received, DIFE issues a letter to factory management with reference to the complaint form. This provides inadequate protections to workers and raises doubts on the efficacy of the mechanism for filing complaints.

Although increased focus on the garment industry improved safety compliance in some garment factories, resources, inspections, and remediation were generally not adequate across sectors. Many ready-made garment employers failed to adequately train workers on safety and hazardous materials, provide required equipment, or ensure functioning safety committees, all required by law. Legal limits on hours of work were violated routinely and a labor rights NGO found 95 percent of factories did not comply with overtime limits. Employers often required

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workers, including pregnant women, to labor 12 hours a day or more to meet quotas and export deadlines, but they did not always properly compensate workers for their time. According to Solidarity Center, workers often willingly worked overtime in excess of the legal limit. Employers in many cases delayed workers' pay or denied full leave benefits.

After international garment brands cancelled orders due to a decrease in demand following COVID-19, the government and employers' associations asked employers not to terminate workers and to ensure continuous payment of salaries, allowances, and other dues of all industries, factories, and tea estate workers. Local news media and labor organizations, however, reported dozens of factories terminated or laid off tens of thousands of workers without paying severance or following the proper procedures for notifying the government as requested. After a one-month lockdown, factories slowly reopened with widely varying procedures and hygiene facilities to protect workers from the spread of COVID-19.

In April hundreds of garment workers in 11 factories in Savar protested unpaid wages from the previous month. Some officials of the small factories went into hiding, while others dispersed protestors by assuring them that wages would be paid shortly.

In the first half of the year the Ministry of Labor and Employment reported 16 major industrial accidents in which 11 persons were seriously injured and 18 were killed. The incidents took place in rice and steel mills, the ship breaking sector, and stone quarries. The two Western brand-led initiatives that formed to address widespread structural, fire, and electrical safety issues in the garment sector after the 2013 Rana Plaza building collapse both ceased their operations in the country during the year. The High Court had ordered Nirapon (the organization continuing the work of the Alliance for Bangladesh Worker Safety and representing most North American clothing brands) to suspend its audit and training activities after a factory reopened an old case against the Alliance to sue Nirapon. Also under a court-ordered memorandum of understanding, the Accord on Fire and Building Safety in Bangladesh ("Accord," consisting mostly of European brands), handed over its operations, staff, and relationships with garment sector factories producing for Accord brands to the newly-established Ready-Made Garment Sustainability

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Council, whose board includes representation by industry, brands, and trade unions.

Revisions to the building code were published that failed to meet basic international fire safety standards and government oversight of building safety outside of the garment export sector remained limited. Although the brand-led Accord and Alliance improved structural, fire, and electrical safety conditions in 2,300 RMG factories manufacturing for Western brands, safety auditors reported fire detection and suppression systems in these factories often did not work following installation because they were not maintained properly. Several hundred additional RMG factories producing for domestic sale or for export to foreign markets fell under the government's National Initiative, which had not made much progress on safety remediation since its establishment in 2017. DIFE is developing an Industrial Safety Unit to launch by December 2021 to oversee the National Initiative factories and, eventually, the safety of industries.

Few reliable labor statistics were available on the large informal sector that employed most workers, and it was difficult to enforce labor laws in the sector. The Bureau of Statistics reported 51.3 million workers in the informal labor sector in 2016, which was 86.2 percent of the total labor force.