

# THE NATURE AND DYNAMICS OF HUMAN RIGHTS VIOLATION IN BANGLADESH: AN ANALYSIS

S. M. ABDUL QUDDUS,<sup>1</sup> MORSHADUL HOQUE<sup>2</sup>

<sup>1</sup> Ph.D., Department of Political Science, International Islamic University MALAYSIA

<sup>2</sup> Lecturer, Department of Public Administration, University of Chittagong, BANGLADESH

## ABSTRACTS

*Human rights are considered to be necessary for freedom, democratic governance and of course the maintenance of a reasonable quality of life in a particular state or society. However, Muslim states which are only several decades old showed generally a dismal performance in upholding and maintain human rights although being signatories to the United Nations Declaration of Human Rights. There is not a single country in the Muslim world in which peoples human rights or liberty, freedom, live in peace without fear and regular and competitive elections are fully observed. Bangladesh is not unique in these regard. In this chapter, we shall analyse the nature and dynamics human rights situation in Bangladesh in the current context and try to figure out the causes and consequences of human right violation in Bangladesh. Our point of departure is that human right violations of citizens constitute a significant problem in Bangladesh. Historically, all regimes showed dissatisfactory records of human right protection of weak section of the society and particularly political opponent of the regime. Human rights violation in Bangladesh by law enforcing agencies can be understood in different forms and partly as part of the regime's strategies of controlling political rivals and or lack of interest to protect the rights of poor section of the society like women, children and the poor.*

**KEYWORDS:** Human rights, violence against women, political rivalry, rule of law.

## INTRODUCTION

The Constitution of Bangladesh is committed to promote and protect the human rights of all citizens living in this country, irrespective of race, religion, and sex. Article 11 of the constitution states that: "The Republic shall be a democracy in which fundamental human rights and freedom and respect for the dignity and worth of the human person shall be guaranteed." Article 28 further provides that: "The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth; while Article 31 declares that the protection of the law is "the inalienable right of every citizen where he may be." However, the record of human rights protection in Bangladesh is dismal. According to media reports the constitutional probations have not been implemented in reality and fundamental rights are being violated by law-enforcing agencies (Asian Human Rights Commission, 2010). Torture going on in the custodies sometimes controlled and maintained by the armed forces dominated by the intelligence agencies" and the Rapid Action Battalion (RAB), which is known as an elite force. Arbitrary arrests and detentions by the law-enforcing agencies, particularly by the RAB, have created a negative

image outside the country. Some observers and media argued that the judiciary in the country is to dysfunctional which supposed to protect the fundamental rights of the citizens. Thus social justice seems to be a far cry. In this article we shall try to explore the nature and dynamics of human right situation in the current context and its causes and consequences.

## THE NATURE AND STATE OF HUMAN RIGHTS IN BANGLADESH

One of the common characteristics of politics in Bangladesh is partisan politics, which has been considered as root cause of damaging all types of public, academic, and rule of law institutions at all levels in the society. According to media reports and other independent studies (for example, Odhikar, Ain O Salis Kendra (ASK), and Hotline Bangladesh, etc), the activists of the pro-ruling parties (both current and previous) and their alliances, relatives and supporters, have had contributed to the further deterioration of the human rights situation in the country. However, there are several types of human right violation in the society.

## POLITICAL REPRESSION AND VIOLENCE

After the birth of an independent country, political violence is thought to be an effective tool to gain the particular political objective of a political party. In Bangladesh there are four “power house” or key institutional and individual actors in the political scenario such as: (a) the Prime Minister (Sheikh Hasina, the leader of the Awami League (AL)); b) the leader of the key opposition party (Khaleda Zia, ex-prime Minister and leader of the Bangladesh National Party (BNP); c) other political parties (Islamic and non-Islamic); and d) The military (United Nations, 2009).

Violent political rivalry between the AL and the BNP or other Islamic parties and groups is common in the country, which has defined the political environment of Bangladesh (Bureau of Democracy, Human Rights and labor: 2008). There is a bitter struggle between the BNP and the AL. Both parties, when out of power, have had devoted their energies to parliamentary boycotts, demonstrations, and strikes in an effort to unseat the ruling party. On the other hand, party in power always employ law enforcing agencies (police, RAB—para-military elite forces) to control activities of political opponents, which mostly increase the record of human right violation in the country. The following table shows some recent political violence records:

**Table 1: Political Violence 2010**

Month(s)	Injured	Killed	Arrested	ther	Total
Jan	938	14	0	20	972
Feb	1644	20	47	14	1725
Mar	1113	15	0	13	1141
Apr	1697	19	69	23	1808
May	1339	21	130	0	1490
Jun	1684	21	1752	22	3479
Jul	1127	19	19	6	1171
Aug	805	12	13	1	831
Sept	868	21	0	6	895
Octo	812	26	0	4	842
Nov	1348	22	980	2	2352
Dec	624	10	0	4	638
<b>Total</b>	<b>13999</b>	<b>220</b>	<b>3010</b>	<b>115</b>	<b>17344</b>

Source : Odhikar, Human Rights Report,2010, p 13

Table 1 shows disappointing scenario about human right situation and the role of law enforcing agencies, which includes killing or injured in custody, arrest opposition activists, etc.

## EXTRAJUDICIAL KILLINGS

In Bangladesh, extrajudicial killings is considered to be another remarkable means of human rights violation as there are frequent allegations against the RAB personnel to be involved in such killing. Although the present government committed before the general election in 2008 that extrajudicial killings would be stopped within short time but no remarkable change has been made yet. It is to mention that the RAB was created in March 2004 as the government’s response to a breakdown in law and order situation, particularly in Western and Central regions of the country. After its creation, RAB’s activities were characterized by a pattern of extrajudicial killings portrayed as death in “crossfire” (Amnesty International Report 2011). One media report revealed that since of its inception in 2004, RAB has killed at least 700 people (Daily Star, December 27, 2010). The table 2 shows the data on extrajudicial killing by law enforcing agencies in the year 2010.

**Table 2: Extrajudicial Killings, 2010**

Month	RAB	Police	RAB-Police	BDR	RAB-Coast Guard	RAB-Police Coast guard	Total
Jan	1	3	1	0	0	0	5
Feb	7	3	2	0	0	0	12
Mar	4	3	0	0	0	0	7
Apr	5	4	0	0	0	0	9
May	7	10	1	0	0	0	18
Jun	5	3	0	0	3	0	11
Jul	2	4	1	0	0	3	10
Aug	6	2	0	1	0	0	9
Sep	4	3	3	0	0	0	10
Oct	9	1	1	0	0	0	11
Nov	10	5	0	0	0	0	15
Dec	8	2	0	0	0	0	10
<b>Total</b>	<b>68</b>	<b>43</b>	<b>9</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>127</b>

Source: Odhikar, Human Rights Report 2010, p 22

## CROSSFIRE

Crossfire means extrajudicial execution which is an extreme violation of the Bangladesh’s constitution and the international human rights conventions of which the country is a party. According to Amnesty International, crossfire encourages lawlessness and aggravates state terrorism (Amnesty International Media Advisory, August 18, 2011). It has been perceived that by killing terrorists without bringing those to justice can help curb terrorism,

but such extrajudicial killings, in fact, can neither bring peace nor eliminate terrorism. However, government uses the term crossfire to justify the killings done by the law enforcing agencies of Bangladesh. It is claimed that victims are wanted criminals of top terrors who died when they resisted or are caught in crossfire between the force and criminal gangs (Daily Amar Desh, November 25, 2010). The following table 3 shows that 101 people were killed in under “crossfire” in one year time.

**TORTURE AND TORTURED TO DEATH**

Torture in custody is a common phenomenon in Bangladesh. In 2010, 67 people were allegedly tortured by different law enforcement agencies, among them 22 people were allegedly tortured to death (Odhikar, 2010). Law enforcement agencies particularly RAB and Police use variety of terrible even depraved techniques of

**Table 3: Crossfire-2010**

Month(s)	RAB	Police	RAB-Police	RAB-Coast Guard	RAB-Police-Coast	Total
Jan	1	2	1	0	0	4
Feb	6	2	2	0	0	10
Mar	4	2	0	0	0	6
Apr	5	4	0	0	0	9
May	6	6	1	0	0	13
Jun	5	2	0	3	0	10
Jul	2	0	1	0	3	6
Aug	5	0	0	0	0	5
Sep	4	1	3	0	0	8
Oct	9	1	1	0	0	11
Nov	10	0	0	0	0	10
Dec	8	1	0	0	0	9
<b>Total</b>	<b>65</b>	<b>21</b>	<b>9</b>	<b>3</b>	<b>3</b>	<b>101</b>

Source: Odhikar, Human Rights Report 2010, p.24

torture practice upon accused persons. Torture is prohibited by Article 35(5) of the constitution of the People’s Republic of Bangladesh, which states that: “No person shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment.” In the context of criminal proceedings, it is in particular suspects from poor or uneducated that appear to be most at risk of torture (UN, N. 4/2000/9, February 2, 2000). According to Adikar report (2010), police personnel are at the top in practicing such illegal acts (table 4).

**Table 4: Tortured to death, 2010**

Source	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sen	Oct	Nov	Dec	Total
RAB	0	1	0	0	1	0	0	0	0	0	0	0	2
Police	1	1	1	0	4	1	3	1	2	0	5	1	20
<b>Total</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>5</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>5</b>	<b>1</b>	<b>22</b>

Awful treatments, which may amount to torture, is a routine feature of criminal investigations, and conditions of detention in the country are said to be poor (Daily Jugantor, Dhaka, 13 December, 2011). Torture is frequently resorted to as an investigation technique popularly known as “remand”, seemingly because of the poor standards of investigation and the lack of adequate training of the members of law enforcing agencies (Transparency International, 2002). In a developing country like Bangladesh poor remunerated public investigations are highly corrupted (UN Doc. E/CN.4/2002/76/Add.1, March 14, 2002). Thus, torture is reportedly used as a tool to extract money from detained suspects and their families (Daily Ittefaq, November 06, 2010). One daily reported that as torture has become an extra source of income thus in many occasion police ignore the court directives not to use torture as method of investigation! It is to mention that torture and torture to death sometimes are politically motivated as they are being used as tool of investigation even for high-up politicians like ex-minister, or ex-bureaucrats, and businessmen (Daily Jugantor, Dhaka, 13 December, 2011).

**Table 5: Tortured cases by law enforcement agencies 2010**

Month	Jan.	Feb.	Mar.	Apr	May	Jun	Jul	Aug	Sep	Oct.	Nov.	Dec.	Total
RAB	0	0	2	0	0	0	0	2	0	0	0	5	9
Police	14	0	2	0	4	4	0	4	3	2	1	2	36
<b>Total</b>	<b>14</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>4</b>	<b>4</b>	<b>0</b>	<b>6</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>7</b>	<b>45</b>

Source: Odhikar, Human Rights Report 2010,p36

**DEATH IN CUSTODY**

Death in Custody is a controversial subject, which is not uncommon and happening in the country. It creates a negative impression outside and inside of the country about the status of human rights in Bangladesh. The law enforcing agencies partly because of political influence and partly because of personal gain are being accused of abuse of power without giving proper opportunities to the accused persons (Daily Amar Desh, May 13, 2010). This extra judicial killing is continuing although the government committed that it will soon be stopped (Daily

Star, June16, 2010). It is to mention that some deaths occurring in the custody are due to lack of proper medical facilities (Daily Star, February 26, 2009). According to Adikar report there were 109 reported cases of death in custody in the year 2010 (Odhikar, Human Rights Report 2010, p.36).

**REPRESSION ON RELEGIOUS AND ETHNIC MINORITIES**

All human beings are born free and equal in dignity and rights.” (Universal Declaration of Human Rights, 1948, Article 1). The Constitution of Bangladesh also prohibits discrimination on grounds of religion, race, caste, sex or place of birth (Article 28, the constitution of the People’s Republic of Bangladesh) but occasional incidents of violent attacks, and discriminatory practices especially before and after the general election against religious and ethnic minorities are said to be another major problem related to human right violation in the country.

**Table 6: Repression on ethnic minorities 2010**

Month(s)	Injured	Killed	Land grabbing	Rape	Total
Jan	11	0	0	1	12
Feb	57	2	1	1	61
Mar	20	1	1	0	22
Apr	0	0	0	0	0
May	0	2	0	0	2
Jun	33	0	0	0	33
Jul	10	1	0	1	12
Aug	0	0	0	0	0
Sept	5	0	0	0	5
Oct	0	0	0	0	0
Nov	0	0	0	1	1
Dec	4	0	0	0	4
<b>Total</b>	<b>140</b>	<b>6</b>	<b>2</b>	<b>4</b>	<b>152</b>

Source: Odhikar Human Rights Report2010, p46

The issue of repression on religious and ethnic minorities has become a matter of political game and gain for main political camps in the country. For example, while Awami League always tries to bring the issue to the media especially before and after the election (if it fails to win in the election) as a major issue of human right violation as these two groups are its vote bank, Bangladesh Nationalist Party and its allies Islamic parties always tried to hide the entire issue of repression on religious and ethnic minorities behind a fabric of lies (Daily Jugantor, February 26, 2010).

Table 6 shows the incidents of repression on religious and ethnic minorities even during the rule of their sympathizer.

**MEDIA RELATED VIOLENCE**

Media plays an important role in ensuring democratic governance and polity. As the fourth estate, it speaks on behalf of the people, and upholds common interests. Freedom of expression is thought to be the lifeblood of democratic progress and good governance (Odhikar, Human Rights Report, 2010). Article 39 of Bangladesh Constitution guarantees freedom of thought and speech, including a direct guarantee of freedom of the press. Every regime in Bangladesh considers media as its opponent, particularly when a party comes in power. Amnesty International summarizes abuses against media person as human rights defenders in its latest report on Bangladesh (Daily Star, September 21, 2010). These abuses include death threats, attacks, and the deliberate mutilations of journalists’ hands and fingers so they can no longer hold a pen. There were 231 incidents of human rights violation in the country in one single year (table 11) including arrest and tortured of two editors (of one popular daily and online media) by law enforcing authorities because of publishing reports not supportive to the governments.

**Table 7: Freedom of media 2010**

Freedom of Media 2010						
Month	Killed	Injured	Assaulted	Attacked	Threatened	Total
Jan	0	18	1	0	5	24
Feb	0	14	8	3	8	33
Mar	0	6	8	6	13	33
Apr	1	1	8	3	5	18
May	1	6	4	1	3	15
Jun	0	7	0	2	1	10
Jul	0	2	3	0	3	8
Aug	1	2	0	2	4	9
Sep	0	10	1	0	1	12
Oct	0	11	5	0	2	18
Nov	0	32	2	0	3	37
Dec	1	9	3	0	1	14
<b>Total</b>	<b>4</b>	<b>118</b>	<b>43</b>	<b>17</b>	<b>49</b>	<b>231</b>

Source: Odhikar Human Rights Report2010, p50

**VIOLENCE AGAINST WOMEN**

Violation of human rights of women in the country has different types such as rape and sexual violence, acid and

dowry- related violence, etc. According to Adikra Human Right Report 2010, there were total 556 incidents of violence against women recorded in the year 2010 of which 248 and 308 were committed against women and children respectively. Other remarkable violence against women includes gang rape, killed after being raped and committed suicide after being rapped (1212, 91 and 6 respectively). However, the physical and mental problems of any sort of violence against women are severe and often the victims and their families remain silent due to fear or threat. It is to mention that instead of being the protector of human rights of women, the state sometimes plays role as protector of abuser. It is because most of the abusers are either supporters of ruling elites or members of the influential families in the society and thus have linkage with any major political parties.

Acid attacks on women and girls are another burning issue in the country. It is estimated that there are over 200 acid mutilations each year in Bangladesh. The growing number of acid assaults in Bangladesh reflects an epidemic of gender violence and is a reaction to women’s advancing economic and social status. Acid violence is the result of rejected marriage proposals, land disputes or the desire for revenge. The overwhelming majority of victims are young women and children. Between May 1999 and December 2010, some 2,433 women, children and men in Bangladesh fell victims to acid attacks (Baseline report 2010 on Violence against Women in Bangladesh, Naripokkho and Bangladesh Mahila Parisad)

Dowry- related violence is another remarkable source of human rights violation of women in Bangladesh. Dowries put women in a helpless position, as they are never part of the discussion regarding payment. Dowries are often a monetary deal between two groups of men: the bride’s father and the groom or his father. Such cultural arrangements completely violate the dignity of women and the quality of their personal relationships. There have been some laws enacted to control such violence against women, but such laws do not have the capacity to bring this situation to an end. Most of the laws are passed under pressure from women’s group and international lobbies. The state often fails to implement these laws. Within the law-enforcement agencies, deep-seated prejudices regarding the dowries and the predominance of male over female is entrenched. The government of Bangladesh issued appeals to all heads of public and private universities and the education board to wage war against the practice of dowries in the country. However, there does

not appear to be a strong social movement to eliminate this practice (Odhikar, Human Rights Report 2010). The following table 8 shows data on dowry related violence against women in the year 2010.

**Table 8: Dowry related Violence 2010**

Dowry related violence-2010													
Months	Women			Total	children			Total	Men			Total	Grand Total
	Killed	Tortured	Suicide		Killed	Tortured	Suicide		Killed	Tortured	Suicide		
Jan	9	8	1	18	0	0	0	0	0	0	0	0	18
Feb	18	7	0	25	0	0	0	0	0	0	0	0	25
Mar	22	5	0	27	0	0	0	0	0	0	0	0	27
Apr	24	12	5	41	1	0	0	1	0	0	0	0	42
May	19	7	1	27	0	0	0	0	0	0	0	0	27
Jun	21	12	1	26	0	0	0	0	0	0	0	0	26
Jul	27	8	4	39	4	0	0	4	0	0	0	0	43
Aug	34	11	7	52	2	0	0	2	0	0	0	0	54
Sep	28	17	2	47	0	0	0	0	0	0	1	1	48
Oct	17	15	1	33	0	0	0	0	0	1	0	1	34
Nov	17	11	0	28	1	0	0	1	0	1	0	1	30
Dec	6	9	0	15	1	0	0	1	0	0	0	0	16
Total	234	122	22	378	9	0	0	9	0	2	1	3	390

**CONCLUSION**

The above-mentioned discussion highlighted the critical areas that require immediate and urgent actions from the part of the government. Our discussion shows that there is overwhelming lack of political tolerance, absence of effective institutions to ensure democratic governance and deliberate violations of human rights still remain the biggest hurdles for democracy in Bangladesh. Although government is committed to upholding human rights by promoting political, economic, social, cultural and collective values that can constitute a cohesive and just society in line with country’s constitutional directive “All citizens are equal before the law and entitled to equal protection by the law” (Article 27 of the Constitution of Bangladesh) but in practice the government either intentionally (because of political biasness) or unintentionally does not strongly enforce laws aimed at eliminating discrimination and reducing violence and abuse of power by law enforcing authorities against political opponents and weak sections of the society i.e. women, children and the poor. It is to mention that there are several laws and court directives specifically about right to life, prohibition against torture and other cruel



treatment or punishment in custody, fair trials, and elimination of violence against women. However, enforcement of these laws is very weak, especially when there is a question of political opponent or in rural areas. Moreover, the government seldom prosecutes those cases that are filed by political opponent and in most cases punishments are not executed if guilty are found in party supporters.

As mentioned earlier in the case of custodial violence, the perpetrator is from the police or other law enforcing agencies. According to the law, police are not supposed to use torture and other cruel treatment or punishment in custody. However, in practice the police do not hesitate to use those actions to have some extra income and surprisingly used to get approval from the political boss by violating that law! Moreover, the lack of accountability and responsibility of the police couple with lack of sincerity and commitment to ensure accountability on the part of the Ministry of Home Affairs has been identified as the existing main gap and corruption existing in the administrative departments and law enforcing agencies has made the issue of human rights more complicated in Bangladesh. Thus, law enforcing forces deprive weak section of the society like women and children and particularly political rivals of the regime from proper protection and uphold and maintain their human rights.

#### REFERENCES:

- Amnesty International, 2011. *Bangladesh: Illegal 'crossfire' killing must stop*. August 18. Index: ASA 13/007/2011.  
<http://www.amnesty.org/en/library/asset/ASA13/007/2011/en/f846c625-5293-4d31-8853-5728a29c72cb/asa130072011en.pdf> (accessed Dec 13, 2011).
- Asian Human Rights Commission, 2010. "Bangladesh: Election pledges on human rights and the rule of law remain unfulfilled". In *The State of Human Rights in Bangladesh*. AHRC-SPR-001-201. <http://www.humanrights.asia/resources/hrreport/2010/AHRC-SPR-001-2010.pdf> (accessed Dec 13, 2011).
- Buerk, R. 2005. Bangladesh and Islamic Militants. *BBC News*, February 25.
- Bureau of Democracy, Human Rights, and Labor. 2009. Bangladesh. In *Country Reports on Human Rights Practices 2008*. [http://www.un.org/en/peacekeeping/resources/statistics/contributors\\_archive.shtml](http://www.un.org/en/peacekeeping/resources/statistics/contributors_archive.shtml) (accessed Dec 13, 2011).
- Constitution of the People's Republic of Bangladesh. "Article 28, the constitution of the people's Republic of Bangladesh". Dhaka: The Government Press
- Naripokkho and Bangladesh Mahila Parisad, 2010. *Baseline Report on violence against women in Bangladesh*. Kuala Lumpur: International Women's Rights Action Watch Asia Pacific (IWRAP). <http://www.iwraw-ap.org/aboutus/pdf/FPvaw.pdf> (accessed Dec 10, 2011)
- Odhikar, (2010) : *Human Rights Report 2010*. Dhaka. <http://www.odhikar.org>
- Quddus, S. M. A. 2012. "Power Configuration in the Muslim World: Exploring the Post-WWII Era". Chap 8 in *The Muslim World in the 21st Century: Space, Power, and Human Development* (in press), Hasan, Samiul (ed.), Springer, USA.
- The Daily Amar Desh*. 2010. November 25.
- The Daily New Age*. 2010. May 03.
- The Daily Prothom Alo*. 2009. February 28.
- The Daily Star*. 2009. February 26.
- Transparency International. 2002. *Corruption in South Asia*.
- United Nations. 2009. *Monthly Report: Ranking of Military and Police Contributions to UN Operations*. December 31. New York: UN
- United Nations, 2002. The special Rapporteur on torture and cruel, inhuman and degrading treatment or punishment, UN Doc. E/CN.4/2002/76/Add.1, March 14, 2002, para.119. New York: UN
- United Nations, 2000. The special Rapporteur on torture and cruel, inhuman or degrading treatment or punishment. 2000. UN. Doc.E /CN. 4/2000/9, February 2, 2000. para.117. New York: UN.