

The Context

The Hindu Buddhist Christian Unity Council (BHBCUC, Ontario) is a Canada based group, which works to stop the violations of the human rights of the minorities and the sexual violence against minority women in Bangladesh. We work with the Canadian representatives of the Human rights Congress for Bangladesh Minorities and with the Concerned Hindus of Greater Toronto Area (groups which came together in Toronto in the wake of gruesome rape of a majority of women and girls on Bhola island and other atrocities starting in October 2001 resulting in millions of internal and external displacements.) Besides, OHCHR, we have also communicated with other overseas HROs concerned with the ethno-religious cleansing & crime against minority women unleashed in Bangladesh since October 2001 (e.g. CAAMB & Mayer Dak (Kolkata), Amnesty International (London), HRW (Toronto) & GHRD (Netherlands).

This submission is by BHBCUC, Ontario in Toronto because we are convinced that our contacts within Bangladesh are fearful and therefore unable to submit from Bangladesh.

Disregard of human rights has been a serious problem in Bangladesh since its foundation in December 1971 in the aftermath of the Bangladesh liberation war. Over the years, the situation has deteriorated, especially following the official abandonment in 1988 of secularism, one of the initial founding principles of the state. Human rights violations fall under four main heads: suspension of customary human rights under the pretext of civil emergency, legislated discrimination against minority groups, extra-judicial acts by the security forces of the state and denial of due process to victims of human rights abuses.

There have been no national elections in Bangladesh since November 2006. The government has frequently declared a state of civil emergency and assumed extraordinary powers. The most recent occasion was on January 11, 2007. The Emergency Powers Rules (EPR) of 2007 remains in effect and is unlikely to be lifted until after upcoming national elections (postponed and now scheduled to take place in December 2008). The EPR suspended many rights including political activities, press freedom, freedom of association and the right to bail. State security forces have continued to act with impunity, committing extra-judicial murder, arbitrary arrest and detention, acts of torture and intimidation of victims (or their families) seeking redress for wrongs.

At the time of partition of India in 1947, non-Bengali and non-Muslim peoples overwhelmingly inhabited the Chittagong Hill Tracts in the southeast of Bangladesh. 85% of the population was Buddhist, only 1.5% was Muslim. Successive governments have attempted to resettle the area with Muslim Bengalis, who now make up at least 50% of the population. Faced with resistance from the traditional population, the government resorted to torture, killings and abductions to force it from the area. A "peace treaty" signed in 1997 between the government and the largest group of rebels has never been seriously implemented.

Corruption is endemic in Bangladesh. Transparency International has named Bangladesh the most corrupt country in the world at least five times in the last decade. The most recent (2007) index lists it as 162nd of 179 countries.

Institutionalised Discrimination-The Vested Property Act

Discrimination against minorities is built into the fabric of the state. Minorities, particularly Hindus, have become second-class citizens in their own country. A series of laws, known originally as the

Enemy Property Act and now as the Vested Property Act allows the government to confiscate the property of any individual whom it deems an “enemy of the state”. This ordinance is used only against non-Muslims primarily Hindus. Successive governments have promised to repeal the act; none have acted on their promises. The Vested Property Act is a major cause of the decline of the largest religious minority, the Hindus from an estimated 30% of the population in 1947 to less than 10% today.

A recent report (Aug. 23, 2008) in the Asian Tribune by Rabindranath Trivedi, a former high-ranking Hindu civil servant in Bangladesh cites a 2007 report by Dhaka University Professor Abul Barkat stating that nearly 200,000 Hindus have been dispossessed of 200,000 acres of land and their homes since 2001. About 1.2 million households for a total of 6 million men, women and children have been directly affected by this piece of legislation.

The approximate money value of such loss (US \$ 55 billion) would be equivalent to 75 per cent of the GDP of Bangladesh (at 2007 prices). Apart from the financial loss, the Vested Property Act has compelled Hindus to break family ties and move from their ancestral villages often to towns or the over-crowded slums of Dhaka. Prof. Barkat maintains that over the years the Hindus have been the objects of willful negligence on the part of the bureaucracy and the politicians’ greed. Successive governments, both military and civilian, have refused to address this question. No registry of properties seized or names of evicted parties has yet been prepared.

The present military-backed government has recently proposed the promulgation yet another ordinance Vested Property: Selection, Scrutiny and Disposal Ordinance 2008 for selection, scrutiny and disposal of disputes related to vested property. Human rights groups and civil society organizations, including minority rights groups, have called upon the government to postpone promulgation of the proposed and leave it till an elected government is in place. Such an ordinance would create serious hardships for the minorities.

Rape and Forced Conversions of Minority Women

Women from the minority communities face double jeopardy and serious violations of their civil rights in Bangladesh. Bangladesh signed the Rome Statute (1999). The government of Bangladesh failed to withdraw its reservations on Articles 2 and 16 (1) c on the grounds that they were in conflict with the Quran and Sharia. Many laws that discriminate against women are still on the statute books.

Successive governments even when led by women have turned a blind eye to sexual assaults, rape, forcible confinement and forced conversions of minority women particularly Hindus. Women victims are faced with inadequate legislative safeguards and uncooperative and more often, hostile police authorities when they seek redress. At a conservative estimate more than 10,000 minority women and girls have been reported to have been raped or gang raped often in public or in front of other family members since October 2001.

Here are some recent cases documented by and sent to us in Canada.

28.06.2008. Ms Soma Sarkar (Hindu) abducted by a gang of Muslims when she went to pick up some clothing from a tailor’s shop near her home in the village of Dashuria in Pabna District. Two of the alleged kidnapers have been identified. No action has been taken by the police even though a report was filed on the same day and an FIR was filed on 02.07.2008 by her father Shambhu Nath Sarkar. She is still unaccounted for. In fact, the police have told parents that she has converted to Islam and been married under Muslim law.

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31.07.2008 Ms.Subarna Sarkar, a minor, was abducted from her village Hindu Bhadurta in Dhaka district while on her way to school. The kidnappers have been identified by her father, Dayal Chand Sarkar. They demanded an enormous ransom and threatened to either kill her or traffic her to a brothel if the ransom was not paid. The Officer-in-Charge of the police station who documented the complaint dictated the complaint (the father is illiterate) and then edited the information leaving out crucial details such as the ransom demand. The girl has not been found and the kidnappers still not apprehended. Higher-ranking police officers have refused to listen to the father and minority rights advocates and stands by the lower-ranking officer's version of events.

21.06.2008 Ms.Lipi Rani Bepari, a minor from Pasharbunia village in Perojpur district was forcibly abducted, gang-raped and abandoned in a banana garden. By three boys, all minors as she was coming home from the market. Local politicians tried to cover up the crime but when minority rights advocates intervened with a high ranking police officer, the three boys were arrested.

These are but a few of the cases that our contacts have documented and sent to us in Canada. Many cases go unreported because the victims and their families are fearful of the consequences and because they have little or no faith in the police or elected local politicians. Often, minorities living in the rural areas are unaware that there are organisations within Bangladesh who are able to help them by intervening with the authorities.

The use of sexual terror against minority women is yet another method of controlling an already beaten-down minority. The police, especially at the local level, have been unwilling to help often actively discouraging complaints or editing complaints even when they record them.

Recommendations

- In 2006, the Human Rights Congress for Bangladeshi Minorities successfully filed a writ before the Bangladesh High Court for protection of minorities. The court's ruling has yet to be implemented.

We ask that the court ruling be implemented without further delay.

- The Vested Property Act is an egregious piece of legislation.
It should be repealed immediately
- **A Human Rights Rapporteur, who is neither Hindu nor Muslim nor South Asian be appointed immediately and be sent to Bangladesh to report on the situation of the minority communities with special emphasis on the condition of women.**