



Open Doors

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INTRODUCTION

- 1 The People's Republic of Bangladesh is home to over 150 million people¹, 90 per cent of whom considers him- or herself to be a Muslim. The Constitution of Bangladesh declares Islam the state religion of the republic but other religions may be practiced in peace and harmony.² The current government, led by Prime Minister Sheikh Hasina, respects this provision in practice; its policy has even been characterised as pro-minority.
- 2 Under the current government, a significant improvement of the judicial system has been reported. Cases involving religious minorities, especially Christians, have been treated more fairly.³ However, some of the rulings still depend on the judge's vulnerability to bribery and exploitation of camaraderie, more than the weight of evidence.⁴ The impact of a ruling on the Muslim majority is taken into account. Fear of igniting the majority's anger has accompanied much of the decision making capacity of judges.
- 3 A month after Bangladesh's review in the first cycle of the Universal Periodic Review (June 2009), the Bangladesh Parliament reconstituted the National Human Rights Commission⁵ as an indication of its commitment to enrich and protect human rights locally and globally. The Commission has held workshops on, among other things, human trafficking and on rights violations of indigenous people in the local districts.⁶
- 4 The Hasina administration retained Islam as the state religion despite the Supreme Court's landmark ruling in July 2010 in which it called for the restoration of the principles of secularism in the Constitution of Bangladesh.⁷

During the election campaign for the December 2008 polls, Sheikh Hasina said she would restore the 1972 Constitution if voted to power. The original Constitution⁸, crafted by Sheikh Hasina's father, Sheikh Mujibur

¹ <http://www.worldbank.org/en/country/bangladesh>

² Part 1, The Republic: 2A. Constitution of the People's Republic of Bangladesh, 1972

³ http://www.compassdirect.org/english/country/bangladesh/article_111570.html

<http://www.compassdirect.org/english/country/bangladesh/110060>

⁴ <http://www.compassdirect.org/english/country/bangladesh/11258>

⁵ http://www.nhrc.org.bd/About_NHRC.html

http://www.nhrc.org.bd/PDF/NHRC%20Act%202009_1_.pdf

⁶ http://www.nhrc.org.bd/Con_Work.html

⁷ <http://rumiahmed.wordpress.com/2010/07/27/bangladesh-supreme-court-delivers-final-verdict-regarding-fifth-amendment/>

⁸ http://www.parliament.gov.bd/Constitution_English/index.htm



Rahman, did not recognise any faith as a state religion, promised elimination of communalism, and disfavoured discrimination or persecution because of a person's faith. After the assassination of Rahman in a military coup in 1975, military rulers made a series of amendments to the Constitution. The current government's new proposals include the endorsement of equal status and equal rights for those practicing other religions, including Hinduism, Buddhism, and Christianity. Despite her promise during the campaign, Prime Minister Sheikh Hasina said the Cabinet decided to keep the provision of state religion considering the national reality.⁹

RELIGIOUS MINORITIES

- 5 The current government took a strong stance against underground fundamentalist groups and is committed to bringing them to court for atrocities. Despite efforts from the government, some of those belonging to the minor religions – Hindu's, Christians, and Buddhists – experience discrimination from time to time.
- 6 The response of the government on the harassment of religious minorities remains unsystematic. It is highly dependent on the official who is called to deal with a specific situation.
- 7 Most of the pressure on religious minorities takes place in the more rural areas of Bangladesh where most of the population is hardly aware of their constitutional and human rights. In these areas, diversity is usually not held in high esteem. Poverty, illiteracy, and lack of proper education further contribute to the aggression.
- 8 Since the UPR review of Bangladesh in the first cycle, several incidents against Christians took place. Compass Direct News issued 29 articles on discrimination and/or harassment since 2009.¹⁰
In the northern district of Jamalpur, two Christian women said village officials extorted relatively large sums of money from them – and severely beat the husband of one – for talking about Jesus Christ to Muslims (3 August 2010).¹¹ Four Christian families in south-eastern Bangladesh felt forced to leave their village under mounting pressure by Buddhist extremists to give up their Christian faith (3 May 2010).¹² Two church leaders were beaten at a police station in Gopalganj district. "If they can beat us in the police station, they can do anything on us – where will we get protection?" a Christian leader asked Compass in response to the beating (29 Augusts 2011).¹³
On a positive note, in August 2011, two Christians, along with four Muslim friends, were exonerated after accusations of 'hurting religious sensibility'.¹⁴

PRESSURE ON CONVERTS FROM ISLAM

- 9 There is strong pressure on converts from Islam to recant their new faith and return to Islam. This pressure is mainly exerted by local Islamic leaders but also by the converts' families, law enforcers, and neighbours. A good number of incidents of discrimination or harassment is reported from the rural areas and is primarily

⁹ <http://timesofindia.indiatimes.com/world/south-asia/Bangladesh-moves-to-retain-Islam-as-state-religion/articleshow/8939372.cms>

¹⁰ <http://www.compassdirect.org/english/country/bangladesh/>

¹¹ <http://www.compassdirect.org/english/country/bangladesh/23458>

¹² <http://www.compassdirect.org/english/country/bangladesh/18416>

¹³ http://www.compassdirect.org/english/country/bangladesh/article_116856.html

¹⁴ http://www.compassdirect.org/english/country/bangladesh/article_116225.html



due to the strong identity to their faith, poverty, illiteracy, and ignorance to the Bangladeshis' rights and privileges.

- 10 Muslim clerics endeavour to apply Sharia law in more than 70,000 villages, particularly in Kurigram, Nilphamary, and Rongpur districts in the northern part of the country. In these villages, 'mosque courts' or Islamic 'society courts' have been established which rulings are based on fatwas, Islamic edicts. Verdicts of these informal courts include flogging in case of adultery, and beatings and killings in case of apostasy or leaving Islam. Those leaving Islam are declared infidels or traitors.¹⁵
- 11 With the country being a predominantly Muslim nation, many families have deep Islamic roots. This motivates some of them to reject and/or attack those who seek Christianity.
- 12 According to the Bangladesh Supreme Court, Muslim clerics can issue fatwas but these fatwas cannot be enforced.¹⁶ Clerics appealed against that ruling, arguing that fatwas were an integral part of Islamic religious practice. Some local rights groups, however, have welcomed the decision, arguing that it will help to protect women from punishments handed down to them in the name of religion.¹⁷
- 13 The execution of fatwas was banned by the High Court after the sentencing of several women to brutal punishments.¹⁸ Despite this formal ban on the execution of fatwas, reportedly, women have still been publicly whipped when accused of transgressions.¹⁹

RECOMMENDATIONS

Open Doors International kindly recommends the Republic of Bangladesh:

- i. The further strengthening of the independence of the judiciary.
- ii. To reconsider their decision to maintain Islam as the state religion of the republic. A more neutral position of the Constitution in religious matters would send a strong signal to society fostering equal treatment of religious minorities.
- iii. To continue their fight against underground fundamentalist groups through the legal system of the country.
- iv. To develop programmes of human rights education in the official school curriculum, thus improving human rights awareness not only in the cities but also in the more rural areas of the country.
- v. To develop programmes to foster an atmosphere of tolerance and respect and an appreciation of diversity, including religious diversity.

The National Human Rights Commission of Bangladesh could also play an important role here, e.g. by conducting workshops on freedom of religion or belief, and by promoting dialogue between local officials and religious leaders, particularly at grassroots level. These activities

¹⁵ <http://www.womensviewsonnews.org/2010/07/punishing-a-woman-based-on-a-fatwa-ruled-illegal-in-bangladesh/>

¹⁶ <http://www.bbc.co.uk/news/world-south-asia-13379016>

<http://www.askbd.org/web/?p=1651>

¹⁷ <http://www.thedailystar.net/forum/2012/March/putting.htm>

¹⁸ <http://www.nowpublic.com/world/16-year-old-rape-victim-whipped-being-pregnant-rape-2563990.html>

¹⁹ <http://www.gatestoneinstitute.org/1959/bangladesh-supreme-court-fatwas>



could supplement the government's resolve to combat human rights violations and protect religious freedom in the country.

- vi. To take decisive steps against any act of religious intolerance and the discrimination and/or the harassment of religious minorities and women.
- vii. To strictly monitor the activities of informal Sharia courts and effectively ban the execution of those rulings, incongruent with the international human rights obligations of the country.