

OpenDoors®

POLICY BRIEF



Bangladesh

Narrow space for human rights

The People's Republic of Bangladesh in Article 2(A) of its Constitution designates Islam as the state religion but also ensures equal status and equal rights to the practice of Hindu, Christian, Buddhist and other religions.¹ Considered as one of the four pillars of the Bangladeshi state, secularism is enshrined in Article 12 of the constitution where it is described as the “elimination of (a) communalism in all its forms; (b) the granting by the State of political status in favour of any religion; (c) the abuse of religion for political purposes; (d) any discrimination against, or persecution of, persons practicing a particular religion.” In addition to upholding the principle of secularism, Article 11 of the Bangladeshi Constitution also establishes democracy and human rights as fundamental principles to its governance.

A largely homogenous society with Bengali ethnolinguistic groups accounting for ninety-eight percent of the population,² Bangladesh is home also to minority ethnic groups such as the Chakma, Santal, Bihari, Khasi, Garo, Munda and Rohingya.³ Sunni Islam is practiced by approximately ninety one percent of the populace while the remainder are Hindus, Christians, Buddhists, Shiá Muslims, Bahaís, Ahmadi Muslims and animists.⁴

In recent years Bangladesh has witnessed a rapid growth of militant Islamists who have carried out targeted attacks on opposition politicians, journalists, members of the judiciary, scholars and religious minorities.⁵ Vandalism and arson of places of worship belonging to religious minorities have become rampant.⁶

¹ Constitution of Bangladesh. Available at: bdlaws.minlaw.gov.bd/act-367.html

² thegeopolitics.com/ethnic-minorities-of-bangladesh-a-stunning-success-in-national-integration

³ worldatlas.com/articles/ethnic-groups-in-bangladesh.html

⁴ state.gov/wp-content/uploads/2023/05/441219-BANGLADESH-2022-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf

⁵ files.ethz.ch/isn/39241/2006_august_sr171.pdf

⁶ eastasiaforum.org/2021/12/04/minority-rights-at-stake-in-bangladesh/#:~:text=Over%203600%20attacks%20on%20religious,idols%20and%20places%20of%20worship

Weak governance, corruption and judicial inefficiency have undermined the rule of law in Bangladesh.⁷ The state's failure to address unemployment, poverty and political order has contributed to the emergence of militant Islam.⁸

Economic interests have often provoked communal violence leading to several targeted attacks on several Hindu temples with the aim of land grabbing.⁹ Rohingya Christians have been attacked, and their houses vandalized in Cox's Bazaar refugee camp.¹⁰ Extremists have called for Ahmadi Muslims to be designated as non-Muslim and carried physical attacks on them and their mosques.¹¹

Increasing attacks on minority faith adherents

Radical Islamists have expressed unrelenting hostility towards religious minorities resulting in several attacks on Christians and their places of worship.¹² Militant Islamist groups such as Ansarul Islam (Bangladesh chapter of al-Qaeda), Jamaat-ul Mujahideen Bangladesh and Neo-Jamaat-ul Mujahideen (identifies itself as Islamic State Bangladesh) pursue the establishment of strict Shariá law in Bangladesh and perceive anyone not subscribing to its interpretation of Islam as a legitimate prey.¹³ Many members and sympathizers of these militant groups usually belong to *qaumi* (privately run) madrasas,

which are not regulated by the government.¹⁴ Due to the increasing number of threats issued against Christian leaders, many Christians avoid attending the traditional Christmas mass.¹⁵

Furthermore, land belonging to religious minorities, especially Hindus and Christian indigenous people, are often seized through intimidation and violence.¹⁶ Christians face discrimination in many areas of their lives, including employment or housing, some of them are refused rental apartments by the local Muslim landlords. A large number of Christians and other religious minorities work in the most marginalized, poorly paid jobs such as street sweepers.¹⁷ Christians are also vulnerable to being targeted during periods of political upheaval.¹⁸ Christian converts suffer severe restrictions, discrimination, and attacks from the local community.¹⁹ For example, they have either been killed, abducted or physically beaten with the purpose of "reconverting" them back to Islam.²⁰

Religious education in government institutions

Article 41(2) of the Bangladeshi constitution states that no one attending any educational institution shall be required to receive instruction in, or participate in ceremonies or worship pertaining to, a religion to which he or she does not belong. Bangladesh's public



A burned down church in the south of Bangladesh, 2022

⁷ heritage.org/index/country/bangladesh

⁸ files.ethz.ch/isn/39241/2006_august_sr171.pdf

⁹ *Ibid*

¹⁰ hrw.org/news/2020/02/13/christians-abducted-attacked-bangladesh-refugee-camp

¹¹ refworld.org/pdfid/5bd98de24.pdf

¹² state.gov/reports/2018-report-on-international-religious-freedom/bangladesh/#:~:text=In%20February%20approximately%2030%20Muslims,Buddhists%2C%20Hindus%2C%20and%20Christians

¹³ crisisgroup.org/asia/south-asia/bangladesh/295-counterjihadist-militancy-bangladesh

¹⁴ crisisgroup.org/asia/south-asia/bangladesh/295-counterjihadist-militancy-bangladesh

¹⁵ minorityrights.org/minorities/christians-6

¹⁶ heraldmalaysia.com/news/christian-village-attacked-over-land-dispute-in-bangladesh/56516/1

¹⁷ minorityrights.org/wp-content/uploads/2016/11/MRG_Rep_Ban_Oct16_ONLINE.pdf

¹⁸ *Ibid*

¹⁹ "Bangladesh: Country Dossier", World Watch Research, February 2023, pp.6. Available at Full Country Dossier Bangladesh 2023 (opendoorsanalytical.org) (password: freedom)

²⁰ asianews.it/news-en/Almost-300-Christian-children-abducted-and-forcibly-converted-to-Islam-in-Bangladesh-25745.html

education system offers a blend of secular and religious education. Students following the four major religions (Islam, Hinduism, Buddhism and Christianity) are taught religion as a mandatory subject separately through standardized textbooks. Each student adhering to one of the four religions study their respective books only.²¹ However, due to a severe shortage of skilled teachers in the country's primary and secondary schools, religion, especially for minority religions, is often taught by other subject teachers of the same faith who are not formally trained to teach religious subjects. In remote areas where teacher absenteeism is high, these subjects are commonly excluded altogether.²² This has impacted children mainly from religious minorities, such as Buddhists or Christians, who had to opt for another religion class in order to obtain the necessary academic points to further their studies.²³ According to Open Doors' local partners, schools, both in remote areas and cities, usually do not have adequate books on other minority religions and students are mandatorily made to sit in classes assigned for Islamic studies. This has made the communities fearful that their children might be alienated from their own religious communities. Furthermore, it threatens the liberty of the parents to ensure that the religious and moral education of their offspring is in conformity with their own religion or belief, as enshrined by article 18(4) of the International Covenant on Civil and Political Rights.²⁴ Discrimination, poverty and other structural factors have also resulted in a noticeable lack of representation of religious minorities in higher education, both as students and teachers.²⁵ As a result, their opportunities to access better paid work remain restricted.

Rise in inciting speech and suppression of freedom of expression

Bangladesh has witnessed an exponential rise in inciting speech against religious minorities in recent years.²⁶ During the COVID pandemic Islamic religious clerics posted several videos on social media accusing

Christians and Jews of conspiring against the Muslim world. Additionally, they also called for complete 'separation of Muslims' from other faith groups and advocated violence against people from religious minorities.²⁷ In many instances faith adherents of minority religions and their places of worship were attacked by mobs who were sparked by inflammatory and inciting speeches made by religious or political leaders on social media.²⁸ In several cases many minority faith adherents were killed by members of such mobs.²⁹

To curtail such advocacy of religious hatred through digital medium, the government of Bangladesh enacted the Digital Security Act of 2018 (DSA). However, while the offenses defined in this law were vague, the punishments stipulated were extremely precise and sweeping.³⁰ For example, section 31 of the DSA prescribes imprisonment between seven to ten years for the "intentional publishing or broadcasting of any digital format, which will destroy 'communal harmony'".³¹ Without a clear definition of what constitutes the destruction of "communal harmony", the enforcement of the law can result in sweeping and arbitrary punishments.

The government continues to censor and ban social media material, including religious ones, that it considers objectionable.³² Several people from the media, religious minorities and critics of the government have been arrested under this draconian law.³³ Meanwhile, the provisions of this law have not been applied on religious clerics who continue delivering speeches that are inciteful.³⁴ In September 2023, the government of Bangladesh replaced the DSA with the Cyber Security Act, 2023 (CSA).³⁵ Nevertheless, the CSA retains many restrictions of the DSA and continues to criminalize freedom of expression, retains non-bailable offenses that can be easily misused to arrest, detain, and silence critics.³⁶ As a matter of facts, this law, made to allegedly protect minorities from inciting speech is being weaponized against them while fostering impunity for those responsible for inciting to religious hatred and violence.

²¹ sciencedirect.com/science/article/pii/S0738059320304491

²² Faith and education in Bangladesh: A review of the contemporary landscape and challenges, Available at: sciencedirect.com/science/article/pii/S0738059320304491#sec0075

²³ OHCHR (Office of the High Commissioner for Human Rights), Report of the Special Rapporteur on freedom of religion or belief on his mission to Bangladesh, 22 January 2016, pp. 13

²⁴ *Ibid*

²⁵ minorityrights.org/wp-content/uploads/2016/11/MRG_Rep_Ban_Oct16_ONLINE.pdf

²⁶ minorityrights.org/wp-content/uploads/2016/11/MRG_Rep_Ban_Oct16_ONLINE.pdf

²⁷ media-diversity.org/bangladesh-sees-rise-in-disinformation-hate-speech-and-violence-against-religious-minorities-during-the-covid-19-pandemic

²⁸ hrw.org/news/2021/10/21/bangladesh-deadly-attacks-hindu-festival

²⁹ tbsnews.net/bangladesh/article-19-urges-government-develop-national-plan-action-counter-hate-speech-441646

³⁰ lowyinstitute.org/the-interpreter/bangladesh-latest-assault-free-speech

³¹ tbsnews.net/bangladesh/deaths-imprisonments-and-harassment-controversial-history-digital-security-act-678322

³² globalvoices.org/2019/05/16/facebook-posts-trigger-more-arrests-in-bangladesh-worrying-netizens

³³ tbsnews.net/bangladesh/deaths-imprisonments-and-harassment-controversial-history-digital-security-act-678322

³⁴ media-diversity.org/bangladesh-sees-rise-in-disinformation-hate-speech-and-violence-against-religious-minorities-during-the-covid-19-pandemic

³⁵ amnesty.org/en/latest/news/2023/08/bangladesh-government-must-remove-draconian-provisions-from-the-draft-cyber-security-act/#:~:text=The%20CSA%20draft%20approved%20by,dissent%20and%20silence%20critical%20opinions

³⁶ bd.usembassy.gov/30390

Recommendations:

To ensure the respect of fundamental rights of all Bangladeshis, Open Doors recommends:

1 The International Community should consider respect of human rights, including freedom of religion or belief, as fundamental pre-requisite to every trade, aid, and diplomatic relations with Bangladesh.

2 To prevent impunity, ensure institutional accountability and combat violence by militant groups like Ansarul Islam (Bangladesh chapter of al-Qaeda), Jamaat-ul Mujahideen Bangladesh and Neo-Jamaat-ul Mujahideen (IS of Bangladesh):

- The government of Bangladesh should develop and implement a comprehensive and integrated national strategy mirroring the framework of the United Nations Global Counter-Terrorism Strategy that addresses the political, humanitarian, socio-economic and security aspects of preventing and countering violent extremism and radicalization;
- The International Community should provide technical expertise to investigate and prosecute terrorist crimes by providing trainings for members of Counterterrorism and Transnational Crime Unit within the Anti-Terrorism Unit on development of strategy for investigation, prosecution and adjudication of terrorism cases in accordance with international human rights standards;
- The government of Bangladesh should ensure expedited, transparent and fair hearing of cases related to “confiscated” properties of religious minorities under the Vested Property Return (amendment) Act, 2013 and make provisions to return the property to its rightful original owners.

3 To ensure equal opportunities in education and non-discrimination of children from religious minorities, the government of Bangladesh should:

- Earmark a sufficient sum from the Department of Education’s budget for the recruitment and training of religious subject teachers;
- Robustly implement the Strategic Plan for Higher Education 2018-2030 to enhance participation of minorities and students from remote and less accessible regions of the country in higher education.

4 To address violence and discrimination arising out of inciting speech while simultaneously ensuring full respect of freedom of expression, the government of Bangladesh should:

- Promote and allocate resources for inter-religious and intercultural dialogues between different faith and ethnic groups at all levels, from community-based initiatives to national level platforms;
- Ensure that offenses under the Cyber Security Act of 2023 are guided by and defined in accordance with Arts. 19 & 20 of the ICCPR. For example, sections 25, (publication of ‘false or offensive information’), of the Cyber Security Act of 2023 uses vague and broad terms such as “affect the image or reputation of the state’ or ‘spread confusion’. This section is used to criminalize a wide range of conduct which consists of the legitimate exercise of the right to expression and opinion.