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GENERAL ASSEMBLY
Forty-fifth session
Items 92, 94, 100, 103, 104 and 113 of
the preliminary list*
EFFECTIVE IMPLEMENTATION OF UNITED NATIONS
INSTRUMENTS ON HUMAN RIGHTS AND EFFECTIVE
FUNCTIONING OF BODIES ESTABLISHED PURSUANT
TO SUCH INSTRUMENTS
ELIMINATION OF ALL FORMS OF RACIAL
DISCRIMINATION
IMPLEMENTATION OF THE CONVENTION ON THE
RIGHTS OF THE CHILD
CRIME PREVENTION AND CRIMINAL JUSTICE
ELIMINATION OF ALL FORMS OF DISCRIMINATION
AGAINST WOMEN
ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE
OF PERIODIC AND GENUINE ELECTIONS

SECURITY COUNCIL
Forty-fifth year

Letter dated 7 May 1990 from the Chargé d'affaires a.i. of the
Permanent Mission of Israel to the United Nations addressed to
the Secretary-General

I have been instructed by my Government to draw your attention to the attached extract from Country Reports on Human Rights Practices For 1989, published by the Department of State of the United States of America, which contains information on the situation concerning human rights in Bangladesh (see annex). I have underlined passages of special relevance.

In view of the importance of this information, I have the honour to request that the present letter and its annex be issued as an official document of the General Assembly, under items 92, 94, 100, 103, 104 and 113 of the preliminary list, and of the Security Council.

(Signed) Ephraim DOWEK
Ambassador
Deputy Permanent Representative
and Chargé d'affaires a.i.

* A/45/50.

ANNEX*

101st Congress
2d Session

JOINT COMMITTEE PRINT

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1989

REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE
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* Underlining has been added by the Chargé d'affaires of the Permanent
Mission of Israel to the United Nations.

BANGLADESH

The Bangladesh Constitution provides for a presidential form of government and a unicameral Parliament of 300 members. The President appoints the ministers, 20 percent of whom do not have to be members of Parliament. The Prime Minister, also appointed by the President, serves more as the leader of the parliamentary majority than as leader of the Government. H.M. Ershad, then the Army Chief of Staff, took power in 1982 in a bloodless coup and, after retiring from the military, was elected President in 1986 in elections boycotted by the major opposition parties.

The present Parliament, composed of 252 members from the President's Jatiyo Party and 48 members from smaller parties, was formed in elections held in March 1988 which were marred by the absence of major opposition parties, sporadic violence, low voter turnout, and fraudulent vote counts. Parliament held two sessions in 1989 and passed limited autonomy legislation for the three Chittagong Hill Tracts (CHT) districts and a Ninth Constitutional Amendment which provides for an elected Vice President and limits both the President's and Vice President's tenure to two consecutive 5-year terms. In view of continued questioning of the current Parliament's representative character, the Government has offered to hold midterm parliamentary elections, but the major opposition parties have refused to participate because they do not believe there can be free and fair elections under President Ershad.

The police and paramilitary forces, all of which are controlled by the Home Affairs Ministry, bear primary responsibility for maintaining internal security. Paramilitary forces include the Bangladesh Rifles (BDR), which guards the borders, the Bangladesh Ansars (a home guard which assists the police in maintaining law and order), and the Village Defense Parties (VDP), a uniformed but normally unarmed local militia. The army plays an internal security role in the CHT, where attacks by tribal insurgents against security forces, Bengali settlers, and other tribals continued in 1989. Tribals have accused security forces of participating in or instigating attacks by settlers. Despite these accusations, there were no confirmed reports in 1989 of retaliation by army troops in the area.

Bangladesh is one of the world's poorest and most densely populated countries. The Government's key programs aim at economic development through reduced population growth, increased crop yields, decentralization of administration, and development of the private sector. The economy recovered somewhat from the devastating floods of 1988, and below-normal rainfall prevented serious flooding in 1989.

Overall, there were no major changes in the human rights situation in 1989. The internally divided opposition's inability to remount its campaign to oust the present Government brought a year of relative political stability, with fewer reported instances of human rights abuses than in 1988. Municipal elections conducted during the year were relatively peaceful, as were local government council elections in June in the three CHT districts. However, a parliamentary by-election in September was marred by allegations of voting irregularities. Significant restrictions remained on the ability of citizens to change their government, freedom of the press, and a variety of

BANGLADESH

women's rights, and there remained concerns regarding abuse of prisoners and detainees and arbitrary detentions.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

While January elections in 80 of Bangladesh's 86 municipalities were relatively peaceful, sporadic violence resulted in at least 6 deaths and over 500 injuries, including injuries to a number of law enforcement officials. Police fired above the heads of crowds to disperse them, but apparently no fatalities were inflicted by law enforcement authorities. There was also violence on university campuses throughout the year as student wings of various political parties clashed repeatedly. These encounters often caused injuries and sometimes resulted in deaths.

For a discussion of killings related to the CHT insurgency, see Section 1.g.

b. Disappearance

There were no confirmed reports of disappearance resulting from official actions in 1989. As in the past, however, armed tribal insurgents in the CHT kidnaped a number of persons in raids on Bengali villages.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids torture and cruel, inhuman, or degrading punishment or treatment. Despite several allegations, there were no confirmed reports of such incidents in the CHT in 1989, but Amnesty International (AI) and local human rights groups continue to monitor this area and to encourage the Government to safeguard the rights of tribal people. In response to previous requests, the Government submitted a report to AI on several alleged instances of torture in the Hill Tracts dating from 1986.

Police treatment of accused criminals is usually rough and can include abusive interrogations and beatings. Reports of fatalities from such treatment are relatively rare; however, local human rights groups have begun increasingly to investigate individual cases and confirmed five such deaths in 1989. The Government has not interfered in such investigations. In its 1989 Report, covering 1988, AI noted that it had renewed reports of torture of criminal suspects in police custody, several of whom were alleged to have died as a result. Mistreatment of ordinary citizens frequently goes unpunished, but police and jail officials involved in mistreating prisoners are sometimes disciplined in cases where the victim or family and friends can attract publicity or persuade human rights groups to investigate the allegations.

There are also occasional reports of abusive treatment of citizens by a variety of lower level government officials, party bosses, and labor leaders--who intimidate others through violence or threats of violence.

BANGLADESH

d. Arbitrary Arrest, Detention, or Exile

Under the Special Powers Act of 1974 (SPA), the Government can detain an individual without charge for an initial period of 30 days to prevent the commission of "any prejudicial act" as defined in the legislation. The Government is obligated to charge the detainee formally by the end of this period or release him if it fails to file a charge. The individual can legally be held until completion of an investigation if the Government brings a charge. In practice, though not in the law, the detainee has 15 days to respond to the specific charge in writing to the Home Affairs Ministry, which can grant early release. Detentions under the SPA are not subject to judicial review until after 6 months, at which time a committee of three jurists examines the case to ascertain whether there is sufficient reason to continue the detention. Although the detainee is theoretically entitled to see a lawyer at the time he is detained, in practice a lawyer is generally not allowed to see the detainee until a specific charge has been filed.

Forty alleged activists in a Hindu separatist movement were detained under the SPA in the early part of 1989. Twenty-six remain incarcerated. Human rights activists fear that the SPA is increasingly used against political opponents in rural areas and to detain indefinitely suspected criminals against whom the Government has insufficient evidence for a formal charge. Human rights activists and some press accounts note that the Government often issues new detention orders against individuals as soon as the original detention has expired or been vacated by the courts.

The Government put the number of SPA detainees at 2,157 as of April 30, although human rights groups believe the actual figure is higher. Persons detained under the SPA are often subsequently charged under criminal statutes.

The right of a detainee to a judicial determination of the legality of his detention exists in local law. Bangladeshi legal and human rights organizations, however, continued to report cases of suspects who were arrested on minor charges but who remained in jail for long periods without trial. There were no reports of persons being exiled in 1989.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Supreme Court is generally considered independent, although pressure is sometimes brought to bear in political or security cases. Civilian courts hear civil and criminal cases in public trials, and the right of counsel is respected. Though generally considered fair, civil courts are overburdened and effectively available only to those who can afford representation. In addition, the time-consuming and expensive process of pursuing cases discourages many from seeking redress through the courts. There are few legal aid programs to assist litigants and no public defenders. Although the legal time limit for disposal of criminal cases is 240 days at the district level and 120 days at the magistrate level, a shortage of judges and a backlog of over 500,000 criminal and civil cases makes longer delays a common occurrence. The continuation of a 1-day-a-week boycott of the Supreme Court by barristers who oppose several court-related government decisions hampered the timely dispensation of

BANGLADESH

justice even further. A relatively small number of the cases in the backlog involves detainees.

A Bangladeshi nonprofit human rights group, with funding from The Asia Foundation (TAF), has established a training program for new lawyers. A TAF training program for judges has to date trained 255 assistant judges and 45 midlevel judges, and TAF continues to support the legal outreach program of a local human rights group.

The Government claims to hold no political prisoners. Bangladesh human rights groups assert, however, that some persons detained under the SPA are actually political prisoners. Currently such groups do not maintain statistics on the number of political prisoners in the country, and estimates vary considerably.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Bangladesh law requires a judicial warrant before authorities enter a home, and courts require evidence supporting a reasonable suspicion before issuing a warrant. However, the SPA permits authorities to search premises without a warrant under certain circumstances, and authorities have in the past entered the homes of opposition leaders, detained individuals, and searched their premises without warrants. The Government's civilian and military intelligence services are widely believed to monitor the opposition by such means as selective wiretaps and interception of mail.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Despite government efforts to address tribal grievances in 1989 through limited autonomy legislation for the CHT, the longstanding Shanti Bahini (Peace Force) insurgent movement remained active. This insurgency began in the early 1970's and has been sustained by the tribal people's fears that their traditional way of life and special status in the hill areas are being undermined by settlers from the overpopulated plains. During the past 4 years, government policy has discouraged settlement in the Hill Tracts. Some 300,000 ethnic Bengalis remain in the 3 hill districts along with approximately 500,000 tribals.

Due to restricted access to the Hill Tracts, the veracity of accusations of atrocities committed by the tribals or security forces cannot be confirmed. Shanti Bahini attacks on Bengali settlements, military personnel, and tribals, many of which resulted in deaths and destruction of property, continued in 1989 and escalated in late July following the June CHT local government council elections. Precise figures are not available, but the Government estimates that these attacks killed at least 300 persons by mid-September and drove more than 1,500 tribals to refugee camps in neighboring India. Others put the number of new refugees at a much higher level. A number of tribals alleged to be Shanti Bahini insurgents also died in clashes in 1989 with military personnel. In addition, between 16 and 36 tribals were killed and approximately 500 were injured in May when the alleged Shanti Bahini assassination of a county council chairman provoked reprisals by settlers against tribals. Although some sources charge that government security forces instigated the reprisals, or at least were slow to restore order, there is no

BANGLADESH

evidence of military complicity in the Bengali settlers' attacks on the tribals. In 1989 there was no confirmed evidence that the security forces disobeyed strict government orders to avoid reprisals against the tribal people and to prevent others from such retaliations. Complaints of human rights violations in the Hill Tracts continued to be far fewer than those received as recently as 1987, and despite Shanti Bahini threats to kill candidates and voters, June elections to fill seats on the newly created CHT district councils were for the most part peaceful. The Government offered amnesty to Shanti Bahini insurgents on two occasions in 1989.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and expression and freedom of the press, subject to "reasonable restrictions" in the interest of national security, international relations, and public order, decency, and morality. In practice, the Government has a variety of means to attempt to control the press, including formal and informal censorship, "guidance" from the Press Information Department, temporary closures of newspapers, and arrest or intimidation of journalists. The SPA allows the Government to ban domestic publications, to hold any newspaper employee responsible for the paper's content, and to compel journalists to reveal news sources. Most publications are heavily dependent upon advertisements from the Government or government-owned corporations; these advertisements reportedly account for as much as 75 percent of advertising revenues. Although all newspapers are theoretically eligible to receive public sector advertising if they meet minimum circulation requirements, publishers complain that the placing and withholding of advertising, as well as payment for it, are often used as a means of influencing the press.

In 1989 several Bengali-language weeklies--which tend to be censored more heavily than dailies--were banned for "objectionable" statements or commentary. A number of other publications banned between 1984 and 1988 remained closed in 1989. Bans on these newspapers have been in effect for varying lengths of time, with some appearing to be permanent.

The Government owns and operates all radio and television facilities. In the print media, it owns two Dhaka newspapers, including one English-language daily and one Rajshahi daily. The Government also owns BSS, the national news service. Two wire services, Eastern News Agency and the United News of Bangladesh, are privately owned.

Bangladesh has 74 dailies and 290 weeklies and periodicals. Three of the Dhaka English-language dailies and most Bengali-language periodicals and newspapers are privately owned and reflect the views of various political parties. All major newspapers report on both government and opposition activities, although coverage of the opposition is less extensive in the government-owned publications. Articles and editorials critical of the Government appear, but criticism of President Ershad, his family, or the armed forces is not tolerated. The weekly Robbar, banned in June 1988 for printing commentary critical of the President, remained closed in 1989, and hearings on a legal challenge filed by Robbar's publisher were repeatedly postponed.

BANGLADESH

Three journalists were detained in 1989. The editor of the Bengali-language daily Shakti was arrested in June for publishing an "objectionable report." He was released on bail the following day. The chairman of Purabi and the editor of Runner, two Jessore dailies, were arrested and held for 3 days in September for publishing a "defamatory report" on the State Minister for Religious Affairs.

Opposition political parties also exert pressure on newspapers and magazines hostile to them in efforts to intimidate them. Tactics include anonymous threatening telephone calls and threats of arson.

Although 56 foreign publications (18 dailies and 38 periodicals) are generally available in Bangladesh, the Government has sometimes used the Customs Act of 1969 to prevent the importation of foreign publications critical of President Ershad. The Government invoked the Act in 1989 to ban one issue of the London-based weekly Natun Din for printing an "undesirable" article. The Government also banned the book "The Satanic Verses" and issues of foreign publications dealing with the controversy for a few weeks. No foreign journalists were arrested, barred from entry, or expelled in 1989. In June, foreign journalists were invited to cover the CHT district council elections under government escort.

The Government retains the authority to require drama groups to obtain certificates of approval to perform. No drama group in Dhaka bothers to apply for such authorization in practice, but the law is enforced outside the capital. Drama groups are required to submit scripts to the district commissioner, and actors who perform in unauthorized plays are theoretically subject to arrest.

The Government censors films primarily to ban pornography. All films from South Africa and Israel are prohibited.

Students are generally free to express a wide range of political opinion through campus organizations and publications, and opposition parties sometimes use student fronts to organize antigovernment demonstrations.

b. Freedom of Peaceful Assembly and Association

The Constitution assures every citizen the right to form associations, subject to "reasonable restrictions" in the interest of morality or public order. In practice, individuals are free to join private organizations and associations, and permits are usually not required for public meetings. There are no restrictions on affiliation with international organizations.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Bangladesh, 87 percent of whose people are Muslims, has recognized Islam as its state religion since the passage in June 1988 of the Eighth Constitutional Amendment. This amendment also states that all other religions may be freely practiced. Although conversion is possible, there is strong social resistance to conversion from Islam. Members of religious minorities have also reported being questioned by

BANG'ADESH

the security service about conversion activity. Proselytizing by Bangladeshi citizens, which is permitted by the Constitution, is mostly directed toward such minority groups as Hindus and tribal people.

Government policy continues to permit various religions to establish places of worship, train clergy, travel for religious purposes, and maintain links with coreligionists abroad. Missionaries, including foreign clergy who serve expatriate congregations, are permitted but they may not proselytize Muslims. Some missionaries perceive the various bureaucratic obstacles they face, including lengthy delays in obtaining or renewing security clearances and residence visas, as intended to curb Christian influence by reducing the number of missionaries and limiting their humanitarian activities. Appeals to the Government have sometimes been successful in removing such obstacles.

Despite official assurances of freedom of religion and equality of treatment, the establishment of Islam as the state religion continued to cause concern in 1989 among the Hindu, Christian, and Buddhist minorities. Some minority group members complain that this constitutional change has emboldened Muslim fanatics and criminal elements hostile to the minorities. As in 1988, there were reports of harassment, robbery, vandalism, and encroachment on property owned by non-Muslims.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Bangladeshi citizens are free to move about within the country, except in designated areas of the CHT. Travel by foreigners is also restricted in the CHT and some other border areas. Bangladeshis are generally free to visit and emigrate abroad, subject to foreign exchange controls, but civil servants wishing to travel abroad must obtain permission from the Government. In some instances, persons considered to be security risks are barred from traveling abroad. One former minister was barred twice from leaving the country. Though the Government rarely hinders citizens wishing to return from abroad, in 1989 a Bangladeshi student was detained upon arrival in Dhaka from London, reportedly on the grounds that he had engaged in "anti-Bangladeshi activities." The right of repatriation is observed.

Approximately 250,000 non-Bengali Muslims, known as Biharis or "stranded Pakistanis," remain in Bangladesh pending resettlement in Pakistan. After independence in 1971, these persons opted for Pakistani citizenship and Pakistan agreed to accept them, provided financing for resettlement costs was made available from outside sources. A Saudi Arabia-based social organization has been trying for several years to raise money for this purpose and claims that sufficient funds could be found if permission was granted for the Biharis to resettle. The main obstacle to resettlement is communal tensions and recurrent violence between Biharis already in Pakistan and other ethnic groups, which makes the addition of 250,000 more Biharis a politically difficult issue for the Government of Pakistan at this time. Anti-Bihari demonstrations in Pakistan delayed indefinitely a modest repatriation effort by the United Nations High Commissioner for Refugees (UNHCR) planned for January. This contributed to increased frustration in the Bihari community and prompted a

BANGLADESH

hunger strike and other demonstrations during the summer months.

The Biharis, most of whom still reside in 66 camps throughout Bangladesh, may seek employment and conduct other activities, but they face disadvantages as noncitizens. Biharis may apply for Bangladeshi citizenship at any time, and those who do so are granted full rights of citizenship.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The governing party's dominance of the electoral process and the fraud and violence which have characterized national elections in recent years raise serious doubts about the ability of Bangladeshi citizens to change their government peacefully and democratically. In addition, the political polarization between the Government and the opposition and internal divisions within the opposition continued to prevent agreement on the holding of parliamentary elections.

After assuming power in a bloodless military coup in 1982, Bangladesh's current leader, H.M. Ershad, assumed the presidency in December 1983. He was elected to the presidency in an election in 1985 which the major opposition groupings, including the Awami League/Eight Party Alliance, the Bangladesh Nationalist Party, and the Islamic fundamentalist Jamaat-E-Islami, boycotted.

Bangladesh's present Parliament was elected in March 1988 elections that were marred by a boycott by major opposition parties, sporadic violence, low voter turnout, and voting fraud. The Parliament passed most legislation by wide margins and with little debate.

The Constitution does not require new parliamentary elections before 1993. The Government has publicly stated its willingness to hold midterm parliamentary elections, but the major opposition parties have thus far refused to participate as long as President Ershad remains in power. The Government has met with human rights activists to discuss ways to hold free and fair elections; however, human rights observers, while welcoming such meetings as a positive step, remain doubtful of the Government's sincerity about ensuring the holding of such elections. In September the Government began updating its 1983 electoral rolls.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government is sensitive to international opinion regarding human rights issues. Although there were no visits to Bangladesh in 1989 by AI or similar groups, the Government made efforts to respond to outside inquiries by submitting reports to AI on its investigation into several allegations of mistreatment dating from 1986. The Government also shared with AI its findings on the settler reprisals which took place in Langdu in the CHT in May (described in Section 1.g.). In addition, the Government invited and provided facilities for members of the diplomatic community and foreign press who observed the CHT local government council elections in June. International human rights organizations represented in Bangladesh include the International League for Human Rights, The Law Association for Asia and the Western Pacific, and The

BANGLADESH

International Commission of Jurists. There are also a number of local human rights organizations which monitor developments through their rural branches, investigate allegations of abuse, and seek to prosecute human rights violators. Human rights groups are also active in promoting awareness of human rights and the law among the country's largely uneducated rural majority. The Government generally does not hamper these groups' activities.

Bangladesh is an active member of the U.N. Commission on Human Rights. In August the U.N. Subcommittee on Prevention of Discrimination and Protection of Minorities dropped all cases against Bangladesh regarding alleged human rights abuses in the CHT and decided unanimously to "thank the Government of Bangladesh for its cooperation and express its satisfaction with the progress made in respect to the treatment of its tribal population."

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

By custom and Islamic tradition, women occupy a subordinate place in society and a family's ability to seclude its women is a symbol of middle or high social status. These underlying attitudes and social barriers circumscribing the participation of women in activities beyond the home are strongly entrenched and show few signs of weakening. For the approximately 86 percent of Bangladeshi women who live in rural areas, early marriage, high childbearing rates, and long hours of household and farm labor leave little opportunity for nonfamily interests or outside employment. Even in urban areas and among the affluent, the traditional social system makes women economically dependent upon their husbands and other male relatives. Except in the export-oriented garment industry, women are virtually absent from the cash-earning work force.

The daily press testifies to a pattern of domestic violence against women: murder, rape and other physical abuse, breach of matrimonial contract, denial of inheritance rights, and desertion. The suicide rate among women is reportedly almost three times higher than among men. Laws to protect women include the Anti-Dowry Prohibition Act of 1980; the Cruelty to Women Act of 1983; the Child Marriage Restraint Act of 1984; and the Illegal Trafficking of Women Act of 1988, but enforcement of these laws is lax. It is a capital offense to traffic in women, to kill a woman in the course of rape, or to murder a woman for dowry. Even so, dowry killings, in which the husband or his family attack and sometimes murder the bride for nonpayment of a supposedly promised dowry, are believed to occur frequently in rural areas. Although newspapers frequently print reports in which a husband accused of dowry killing is tried and punished, the vast majority of these cases are believed to go unreported. The recently created National Advisory Committee Against Repression of Women plans to set up local branches in rural areas to address the problems of abused women, but there is still little recourse for victims of crimes committed within the family or home.

Members of minority religious groups are disadvantaged in practice, though not in the law, in their access to government jobs and political offices. In the years immediately following Bangladesh's independence, members of some minorities, principally Hindus, lost or had serious difficulty retaining their properties as a result of the prejudicial administration

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BANGLADESH

of vested property laws. These laws permitted the Government to use or even sell property belonging to persons who left what is now Bangladesh between 1965 and 1971. Although the President in July reiterated a 1984 executive order requiring the return of such property to the original owners, some human rights activists contend that property is still occasionally seized under these laws.

Discrimination against the tribal people in the CHT with respect to property rights has been a persistent issue. Until 1985, tribal land, for which there is frequently no deed, was parceled out by authorities to Bengali Muslim settlers in the CHT. Tribal peoples' property rights were also violated by the issuance of false deeds, physical attacks, actions taken following the failure to meet mortgage payments, or confiscation by the army in areas where the tribal insurgency is active. There were no reports of such violations in 1989, and the Government's CHT local government councils legislation, which grants land allocation and regulation authority to elected, tribal-dominated district councils, affirmed the tribals' land rights. The legislation also gives the councils authority over local law enforcement, housing, health, and educational facilities. Even so, concern over these issues lingers among many of the hill people.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of association, subject to restrictions imposed by law. The Constitution also provides for the right to form labor unions, subject to governmental approval. Although the Government has the legal right to suspend unions, it took no such action in 1989.

Workers in trade associations or unions may draw up their own constitution and rules, elect officers, develop programs, and conduct business without government interference. There are no restrictions on joining confederations or affiliating with international organizations. However, union members need governmental clearance to travel to international labor meetings. No such clearances were withheld in 1989.

The right to strike is not specifically recognized in the law but is an accepted form of protest in Bangladesh. Numerous strikes were held in 1989. The Essential Services Ordinance of 1958 permits the Government to bar strikes for 3 months in any sector deemed "essential." Labor unions represent only 3 percent of the work force, a reflection of the low level of industrialization. Nevertheless, unions are powerful and important in such sectors as jute, tea, and transportation. There are several national labor centrals in Bangladesh. Most labor unions and federations are associated with a political party. The Workers-Employees United Council (SKOP), the largest trade union federation, is sympathetic to the opposition.

The Committee of Experts (COE) of the International Labor Organization in 1989 noted that Bangladesh's law contains a number of defects affecting freedom of association and collective bargaining rights, including restrictions as to the range of persons who can hold office in trade unions, wide-ranging supervisory powers vested in the registrar of trade unions, and a rule requiring that a union organize at

BANGLADESH

least 30 percent of the workers in an establishment before it can be registered.

b. The Right to Organize and Bargain Collectively

By law, workers have a limited right to collective bargaining. Public sector employees cannot form unions or bargain collectively. There is no formal process of mediation. Except in the Chittagong Export Processing Zone, unions in the private sector can generally bargain collectively without government interference. The Government suspended union activity in the Chittagong Export Processing Zone in 1985 and the suspension remains in effect.

Workers have participatory rights in union business in theory, but both union leaders and employers often violate them in practice. Union leaders allegedly make decisions without first consulting members, and allegations have been lodged of irregularities in union elections. For their part, employers frequently ignore laws prohibiting antiunion discrimination, a practice which is particularly prevalent in the garment industry, where the work force is predominantly female. Employers have also been accused of harassing union leaders and of firing workers for union activities. Although laws against such practices exist, the difficulties of prosecuting a court case against an employer discourage union attempts to have them enforced.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor. Although this prohibition is substantially respected, there have been unsubstantiated reports of bonded labor on some tea and rubber plantations. The Government actively seeks to prevent the trafficking of bonded laborers into other South Asian countries.

The COE in 1989 requested the Government to repeal a law of 1952 (which the Government said was no longer operable) making it a punishable offense for a government employee to terminate employment without the consent of the employer. The COE also asked the Government to correct a law dealing with the forcible conveyance of seamen on board ship to perform their duties.

d. Minimum Age for Employment of Children

The Employment of Children Act prohibits the offering of employment to any person under the age of 14, but the act is not enforced. Sanctioned by tradition and encouraged by dire economic necessity, child labor is a serious problem. Legal minimum ages for various types of employment, which range from 12 to 17, are seldom enforced, and the country's poverty is such that children are regularly engaged in all available jobs. There is no compulsory education. The Bureau of Labor Statistics estimated the number of child laborers at approximately 3 million in 1986. These children pedaled rickshaws, served as domestic servants, worked as helpers in transport services, carried loads at railway stations and river terminals, labored at construction sites, and were employed in great numbers in agriculture.

BANGLADESH

e. Acceptable Conditions of Work

Regulations regarding minimum wage rates, hours of work, and occupational safety and health are not strictly enforced. Income levels, which average \$1 to \$2 per day with the minimum wage at approximately \$.07 per hour, are not sufficient to sustain a decent standard of living. The Factories Act of 1965 and the Shops and Establishments Act of 1965 limit normal working hours to a maximum of 8 hours per day and 48 hours per week. With overtime, the workweek may not legally exceed 60 hours. Although the law stipulates that overtime work is to be compensated by double the hourly rate, overtime pay practices do not conform to these requirements. Safety equipment and precautions are largely unknown, and the small number of safety inspectors are frequently untrained and underpaid.
