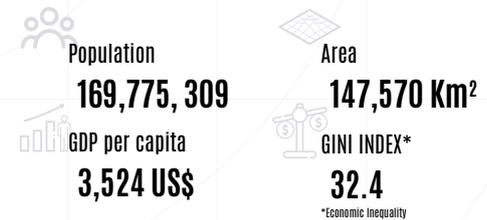
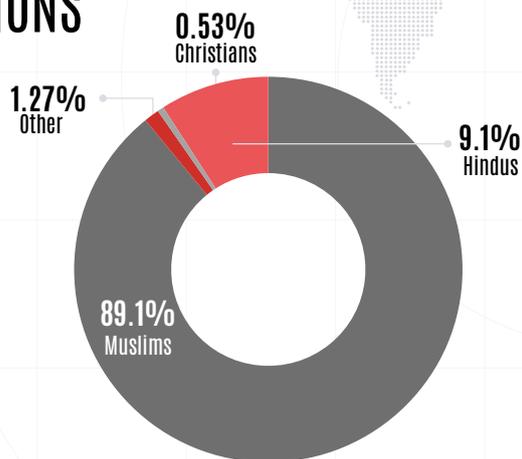




BANGLADESH

RELIGIONS



LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

Freedom of religion in Bangladesh is paradoxical in and of itself. On the one hand, the Constitution¹ states that: “Subject to law, public order and morality, every citizen has the right to profess, practice, or propagate all religions” (Article 41, 1, a). On the other, the same document recognises secularism as a basic principle while making Islam the state religion.

Specifically, the Preamble and Article 8 respectively define secularism as a high ideal and a “fundamental principle(s) of state policy.” Article 12 - suspended in the past, but restored in June 2011 under the 15th Amendment - stipulates: “The principle of secularism shall be realised by 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.”² Yet, Article 2A states that: “The state religion of the Republic is Islam” with the proviso that “the State shall ensure equal status and equal rights in the practice of the Hindu, Buddhist, Christian and other religions.”³

This paradox remains. On 28th March 2016, the High Court of Justice of Bangladesh upheld the status of Islam as the state religion. With the country torn by religious tensions and Islamism rising, the judges upheld the prominent place of Islam in the constitutional order.⁴

Bangladesh proclaimed its independence in 1971 and since then has grappled with the question of its fundamental identity. Today the country is in an ambivalent position. Officially, secularism is promoted and imposed from the top down by the ruling Awami League, but at a societal level, a strong current of militant Islamism continues to generate significant hostility against religious minorities.

While Sunni Islam occupies a major place in the country’s sense of self, many Bangladeshis are also proud of its tolerant and moderate traditions. In 1972, Bangladesh adopted a constitution based on a linguistic and secular identity. In 1988 however, a military regime led by General Hussein Muhammad Ershad changed the constitution to make Islam the state religion. Since then, a powerful political and intellectual movement has sought to strengthen secularism, while an opposing movement has promoted Islamisation.

The conflict over the country’s identity has thus given birth to two opposing ideological factions: “secularists” and “Is-

lamists.” For historian Samuel Berthet, “Relations between religion and state are pivotal in the history of the partition of India and Pakistan in 1947, but also in the history of the project of the Bangladeshi nation since its creation in 1971”.⁵

Bangladesh was originally East Pakistan, before it broke away from West Pakistan in 1971 during a violent war of liberation. Estimates of the loss of life caused by the war range widely from 300,000 to three million people.⁶ West Pakistani forces joined with Islamists inside East Pakistan to defend an Islamic conception of the nation and crush the secessionists, without success. “At the time of Bangladesh’s creation, the reference to religion was thus associated with Pakistani trusteeship, while secularism was associated with the project of the Bangladeshi nation,” Berthet explains.⁷

The conflict between secularists and Islamists has continued unabated to the present day, with ambivalent consequences for religious freedom at the political level of official laws and policies, as well as the societal level of culture and activities by non-state actors. Secularists associated with the ruling Awami League (AL) political party, led by Prime Minister Sheikh Hasina, have often aggressively opposed militant Islamism since they assumed leadership of the government in 2009. For example, the AL-led government prosecuted leaders of an Islamist political party, the Bangladesh Jamaat-e-Islami, for their involvement in human rights violations during the 1971 war. “Between December 2013 and September 2016, some six high-ranking Islamist leaders, including 73-year-old Motiur Rahman Nizami, the former head of the Jamaat-i-Islami, were found guilty and executed by hanging.”⁸

Generally, the Awami League government has sought to curb Islamist influences in society and politics. However, secularist policies have also often violated religious freedom and other civil liberties, and it is arguable that the very intransigence of these policies has helped fuel social and political polarisation as well as an Islamist backlash.

The secular-oriented AL government has “passed formidable laws ... restricting religious speech, exercising strong governance over Islam, banning religious parties, disproportionately reacting to religious violence, and repressing political opponents.”⁹

Even its prosecution of Islamist leaders for war crimes has drawn criticism from international observers for failing to protect the rights of defendants.¹⁰

Striking back at these efforts by the Awami League, Islamist militants have initiated a massive campaign of violent attacks targeting secular bloggers, human rights activists, as well as religious minorities, particularly Hindus and Christians. “Between January 2005 and December 2017, some 746 people have died in Islamist terrorist attacks, including 339 alleged terrorists,” notes South Asia security expert Christine Fair. “[O]f those attacks, 91 percent have taken place since 2013.”¹¹

The period since 2017, however, appears to be a relatively “dormant phase,” with a measurable reduction in Islamist violence.¹² And yet, as noted below, Islamist attacks on religious minorities have far from disappeared, and it may be that militants have temporarily gone underground for the purposes of fundraising and recruitment.¹³

INCIDENTS AND DEVELOPMENTS

Unlike Pakistan, Bangladesh does not have an anti-blasphemy law. However, the colonial-era Penal Code of 1860 (Articles 295A and 298) criminalises the offence of wounding or “outraging the religious feelings” of others.¹⁴ Furthermore, Bangladesh passed an Information and Communication Technology (ICT) Act in 2006, further toughened by the government of Prime Minister Sheikh Hasina in 2013, under which it is illegal to publish content on the Internet that could “harm public order and the law” or be construed as defamation against religions.¹⁵ This law has been used to imprison journalists, students, and teachers.

On top of the ICT Act, the Bangladeshi government enacted the Digital Security Act (DSA) in October 2018,¹⁶ which gives the police the power to detain individuals, including journalists, without a warrant.¹⁷ Human rights activists argue that the law’s vagueness gives the government “a license for wide-ranging suppression of critical voices.”¹⁸ Between October 2018 and May 2020, more than a thousand cases were filed under the DSA and numerous journalists were arrested,¹⁹ largely for criticising ruling party politicians but also in ways that have restricted religious speech and expression.²⁰

One case involves Bangladeshi folk singer Shariat Boyati who was arrested under the DSA in January 2020 on charges of “hurting religious sentiments.” According to Christian Solidarity Worldwide (CSW), Boyati “used language in his songs to criticise a section of fundamental Muslim clerics for misrepresenting Islamic philosophical teachings.”²¹ In March 2020, an Awami League politician

filed charges against an activist who used Facebook to criticise the government's decision to invite Indian Prime Minister Narendra Modi on a state visit.²²

In addition, in at least one instance, laws restricting freedom of expression were invoked to protect the Catholic community from apparently defamatory speech. In May 2019, invoking the DSA, police arrested Catholic poet Henry Sawpon for "offending the religious sentiments of Catholics" in numerous social media posts that criticised Catholic clergy.²³ The arrest followed a complaint filed by Fr. Lawrence Gomes, a priest in Barishal, a town in southern Bangladesh. Eventually, Sawpon was released on bail a day after his arrest. UCA News later reported that "Fr. Gomes, the complainant, said the Church decided to withdraw opposition to Henry's bail petition after he promised to apologize for what he did."²⁴

Islamist violence against religious minorities appears to have declined somewhat in the last four years. According to the Bangladesh Hindu Buddhist Christian Unity Council (BHBCUC), a respected non-partisan human rights NGO established in 1975, the year 2016 saw a peak of 1,471 violent incidents against ethnic and religious minorities, compared to 262 incidents in 2015.²⁵ In 2017, the BHBCUC counted 959 incidents of minority rights violations based on media reports from January to October.²⁶ In 2018, BHBCUC documented 806 cases of religious persecution against minorities. The organisation did not release any figures or provide documentation for 2019, but noted in its Brief Yearly Report on the Minority Situation that attacks against minorities continued to decrease.²⁷

Reports by another respected human rights organisation, Ain o Salish Kendra (ASK), notwithstanding serious ongoing violations, corroborated this mixed picture of an overall decline in anti-minority violence. In the first 11 months of 2019, ASK found that 101 people were injured in violence against religious minorities, at least 71 houses of worship, monasteries, or statues were attacked, as were 53 homes of religious minorities.²⁸ In the first two months of 2020, however, ASK found that violence against religious minorities led to only one injury, one attack on a home, and attacks on 11 houses of worship, statues, or monasteries.²⁹

Despite this apparent decline in anti-minority violence, several communities in Bangladesh continue to face steady persecution. Among the most vulnerable are Hindus, Buddhists, 'Ahmadi, and Christians. Data collected by ASK suggests that in 2019, Hindus and 'Ahmadi were by far the most frequent victims of persecution.³⁰ For example, in

September 2019, an 'Ahmadi mosque in northern Bangladesh was attacked while it was under construction. Some 400 students from nearby madrasas appear to have "vandalised the building with homemade weapons"; according to the local 'Ahmadi community, police officers present at the scene did nothing.³¹ In January 2020, another 'Ahmadi mosque was attacked by madrasa students in the country's Chittagong Division. "Witnesses report that Ahmadi homes nearby were also targeted." After the incident, the students organised a rally demanding a law declaring the 'Ahmadi to be non-Muslim.³²

In September 2019, the Daily Star (Dhaka), Bangladesh's leading English daily newspaper, reported that unidentified individuals killed four members of a Buddhist family living in a mostly Buddhist village in Cox's Bazar in south-eastern Bangladesh. The victims included two children under the age of 10.³³

In April and May 2020, the Bangladesh Christian Association (BCA), a leading Christian rights group, reported three cases of violence against the Christian community. "Two Christians were beaten in a land dispute in Sherpur District, while several Christians were threatened and beaten for refusing to pay money lenders in Barishal District, and a Christian youth was beaten after being falsely accused of drug dealing, said Nirmol Rozario, the BCA president."³⁴

In May 2020 alone, according to the World Hindu Federation, some 30 Islamist attacks targeted the country's Hindu minority. These incidents included attacks on Hindu temples, forced conversions, rapes and abductions of Hindu girls, theft of land from Hindus, displacement of more than 40 Hindu families, and the murder of four Hindus.³⁵

In September 2020, various sources reported some 50 attacks on Hindu, Buddhist, and Christian minority communities. According to the Bangladesh Hindu Buddhist Christian Unity Council (BHBCUC), as well as other organisations representing religious minority groups, most of these attacks occurred in the Chittagong Hill Tracts (CHT), a group of districts in the Chittagong Division in south-eastern Bangladesh on the border with India and Myanmar.

Christian members of indigenous tribal groups such as the Garos and Khasis continue to face persecution. Simone Marak, a trader and Christian activist who lives in Pegamari, in the Tangail district of central Bangladesh stated: "We face a lot of persecution. Apart from physical attacks and forcible conversions, our livelihoods often

come under attack. Our farmlands, shops and establishments are destroyed, our churches desecrated and we face huge social and economic discrimination too.”³⁶

In the Chittagong Hill Tracts, some of the violence against religious minorities stems from enduring tensions between indigenous communities - primarily Buddhists, Hindus, and Christians - and Bengali settlers who are mostly Muslims. Many of these tensions revolve around land ownership.³⁷ In one instance, in a Buddhist-majority area near the CHT, a Buddhist monk exploited religious divisions to grab land from Catholics, Muslims, and fellow Buddhists.³⁸

In 2019 and 2020, the central government continued to use a 2017 legal provision to try to reduce these tensions, building on the 1997 Chittagong Hill Tracts Peace Accord. At the same time, many NGOs and activists claim that the government has been too quick to resort to militarisation and repression to solve the region’s conflicts.³⁹

In a densely populated country where land ownership is highly prized, many NGOs report that ethnic and religious minorities are highly vulnerable to land grabbing. For example, in the Ghoraghat area of Dinajpur District in northern Bangladesh, Catholic members of the indigenous Santal ethnic group have struggled during the reporting period - aided by the Catholic Church and NGOs such as Caritas - to recover ancestral farmlands they lost to Muslim landowners. So far, they have had only limited success.⁴⁰

PROSPECTS RELIGIOUS FREEDOM

Although Islamism has been the greatest source of violent religious persecution in the country for more than twenty years, Islamist violence against minorities seems to be diminishing, at least for now. Under a government that has aggressively cracked down on Islamist militancy, religious minorities appear to enjoy somewhat greater security in 2020 than at any time since 2015.

Bangladeshi authorities also deserve praise for providing a safe haven for the mostly Muslim Rohingyas, more than 700,000 of whom have fled neighbouring Myanmar since August 2017, though a long-term solution to their plight appears as distant as ever.⁴¹

However, the country’s dysfunctional political life casts a negative shadow over the prospects for religious freedom and prevents it from having a solid and sustainable foundation. International observers criticised the general elections held at the end of 2018 because the government jailed opposition leader Khaleda Zia of the Bangladesh Nationalist Party, before the poll. The result increased the distrust between the country’s secularists and those supporting a greater political role for Islam.⁴² This trend has weakened the rule of law, fuelling Islamist mobilisation. In fact, the second half of 2020 witnessed an uptick in Islamist violence against religious minorities. Efforts to reconcile the nation appear urgent if Bangladesh is to deliver on its constitutional promise to respect the religious freedom of all of its citizens.

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