

[Working Paper Series: The Protection of Minority Rights in Asia – Part 1]

## Protection of Minority Rights in Bangladesh Requires Stronger Commitment

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### Introduction

Bangladesh is a densely populated country of 164 million people. Minorities constitute roughly 10% of the population. Among them, religious minorities form the major portion with Hindus comprising 8% followed by Buddhists and Christians. The rights of minorities are protected under the Constitution, which guarantees equality in the eyes of the law for all citizens. However, due to several factors, minority rights are often violated. These include economic factors, religious fanaticism, and general negative attitudes. Weak response by the state against violence, intimidation etc. also contributes to violations of the rights of minorities. There are several categories of minorities in Bangladesh. However, the dominant minority communities are ethnic, religious, and other (linguistic, refugees etc.)

### Historical Background and the Present State of Minority Rights

Hindus have been the majority and dominant religion in South Asia for centuries. Buddhism is also a homegrown religion of the sub-continent, and are now the majority in Sri Lanka and Myanmar. Muslims came to the sub-continent about 600 years ago from Afghanistan, Iraq, Turkey, and other such places. A massive conversion from Hinduism to Islam took place from the 16th to 17th century.

After 200 years of British rule, the sub-continent was divided into Pakistan and India in 1947. Pakistan became a Muslim majority country and India a Hindu majority, though millions from both religions remained in the two countries. Pakistan was geographically divided into East and West Pakistan, with India in between. East Pakistan was characterized by the Bengali speaking people, who were majority Muslims by religion but with a distinct cultural identity which was different from West Pakistan. In 1971, after a brutal war, this part of East Pakistan emerged as an independent country which is now Bangladesh. Ninety percent of the population of Bangladesh is Muslim, and the remaining 10% are religious and ethnic minorities.

Bangladesh, right after independence, emerged as a secular polity with a constitutional embargo on religion in politics. The first Constitution, passed on November 4, 1972, abolished (a) all kinds of communalism; (b) political recognition of religion by the state; (c) exploitation of religion for political purposes; and (d) discrimination on religious grounds.<sup>1</sup> The preamble of the Constitution emphasized secularism as one of the fundamental principles of state policy. Article 9 of the Bangladesh Constitution (1972) defined Bengali nationalism as: “The unity and solidarity of the Bengali nation, which deriving its identity from its language and culture, attained sovereign and independent Bangladesh through a united and determined struggle in the war of independence, shall be the basis of Bengali nationalism.”<sup>2</sup> The insertion of the above clauses ensured the political and cultural dominance of Bengalis within the state. However, many claim this was a denial of the cultural identity and distinctiveness of the other groups.

Other religions are, however, are recognized under Article 41 of the Constitution, which gives citizens the right to practice and promote religious beliefs. Further provisions of Article 41 guarantee each individual’s right to refuse to practice a religion, or to be compelled to be educated in a religion other than their own.<sup>3</sup> Sections 295, 296, 297, and 298 of the Penal Code deal with offenses against religious places or practices.<sup>4</sup> (Bangladesh Penal Code 1860). The only protective provision for ethnic minorities is Article 28(4), which states that “Nothing in this article shall prevent the state from making special provision in favor of women and children or for the advancement of any backward section of the citizens.”<sup>5</sup>

Bangladesh has categorically maintained that there are no Adivasis or indigenous people in Bangladesh. The debate continues whether the ethnic minorities are Adivasis or migrants. As it transpired, Bengalis and Bengali Muslims are the culturally homogenous majority population, while the minority/weaker communities are expected to assimilate themselves with the “mainstream,” i.e. the dominant majority community.

Though Bangladesh broke away from Pakistan and emerged as a secular nation-state in 1971, it still bears signs of majoritarian politics, especially after the assassination of the country’s first president Sheikh Mujibur Rahman in 1975. Post-1975 Bangladesh has witnessed the rise of Islam as the state religion. However, the situation improved for rights of minorities when in 1996 secularism was restored in the Constitution of 2011. However, Islam remains the state religion. This ambiguity<sup>6</sup> shows the divided nature of the country’s population, which impacts the principles of secularism and rights for minorities as equal citizens.

Through a gazette notification, on October 4, 2018, the government abolished its reservation for indigenous peoples along with other quota categories for first and second class government services. The decision came in response to a series of countrywide protests against the quota system. Instead of reforming the existing system, the government completely abolished it, which resulted in the direct deprivation of the most underprivileged groups, including indigenous peoples.

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<sup>1</sup> “The Constitution of the People’s Republic of Bangladesh,” *People’s Republic of Bangladesh*, 1972.

<sup>2</sup> *Ibid.*, Article 9.

<sup>3</sup> *Ibid.*, Article 41.

<sup>4</sup> “The Penal Code, 1860,” *People’s Republic of Bangladesh*, 1860, Sec. 295-298.

<sup>5</sup> “The Constitution of the People’s Republic of Bangladesh,” Article 29(4).

<sup>6</sup> Shafi Md Mostofa, “Bangladesh’s Ambiguity on Religion Has Been Expensive for the Country.” *The Diplomat*, 2020.

In the past 20 years there has been a rise in religious extremism in Bangladesh. Some reasons include increasing globalization, use of social media, and the global rise in religious fanaticism, especially in Middle Eastern countries. Moreover, international Muslim scholars have taken control over the interpretation of Islam, which sometimes clashes with the spirit of multi-faith harmony in the country.

Feelings of victimization are one of the top causes of radicalization. Neighboring India and Myanmar are accused of persecuting Muslims. Videos of this persecution are rampant on social media, which generates feelings of proxy-victimization.<sup>7</sup> A study on radicalization in Bangladesh revealed that Muslim persecution in India and Myanmar, in addition to the situation in Palestine and other Middle Eastern countries, have helped to radicalize youths.<sup>8</sup>

The recent spasm of violence against religious minorities, especially Hindus and Buddhists, in response to fake blasphemy allegations are the result of a negative attitude towards them. Many religious attacks on minorities are actually done in the guise of attempts to steal land and assets belonging to Hindus.<sup>9</sup> Local politics are also at play. As the ruling Awami League has consolidated power and is now effectively without a viable opposition, there are indications that rivalry over resources (including land grabs) within the ruling party is becoming entrenched. In one local district, two rival groups within the Awami League have reportedly blamed<sup>10</sup> each other for the attacks on Hindu houses and temples.<sup>11</sup>

### *Status of Ethnic Minorities*

Bangladesh is a country of cultural and ethnic diversity, with over 54 indigenous peoples speaking at least 35 languages, along with the majority Bengali population. According to the 2011 census, the country's indigenous population numbers approximately 1,586,141,<sup>12</sup> which represents 1.8% of the total population of the country.

The majority of the indigenous population lives in the plains districts of the country,<sup>13</sup> and the rest in the Chittagong Hill Tracts (CHT). The government of Bangladesh does not recognize indigenous peoples as "indigenous" and refers to them as "small anthropological groups." Major issues related to indigenous peoples' economic and political rights, such as rights to ancestral land, remain ignored. The CHT region was in conflict until the signing of the Peace Accord in 1997. However, many clauses in the peace agreement remain to be implemented, such as the devolution of power to the Regional Council and the removal of all army camps.

### *Dominant Religious Minorities in Bangladesh*

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<sup>7</sup> Shafi Md Mostofa, "Explaining Islamist Militancy: A Pyramid Root Cause Model," in *Islamist Militancy in Bangladesh*, ed. Mark Beeson (Palgrave Macmillan, Cham, 2021), pp. 163-186.

<sup>8</sup> Ibid.

<sup>9</sup> Shamima Rita, "Land Grab: Mayor Ivy's Family Seizes Temple Property?," *Dhaka Tribune*, 2021.

<sup>10</sup> Iftekhar Mahmud and Alam Palash, "Awami League's Two Groups Blaming Each Other," *Prothomalo*, 2021.

<sup>11</sup> Mubashar Hasan, "Minorities under Attack in Bangladesh," *The Interpreter*, 2021.

<sup>12</sup> Bangladesh Bureau of Statistics (BBS), "Population and Housing Census 2011," *Government of the Peoples Republic of Bangladesh*, 2011.

<sup>13</sup> Sadeka Halim, "Land Loss and Implications on the plain land Adivasis," *Shanghati*, Bangladesh Indigenous Peoples Forum, 2015.

Religious minorities are the largest group of minorities in Bangladesh and number about 8% of the population. They are Hindus, Buddhists, and Christians. The Hindu minority population is well integrated into mainstream social, cultural, and political life in Bangladesh. There is no overt discrimination against them as such, and they enjoy their right to practice their religion, obtain employment, and other such activities. However, discreet and insidious rights violations still occur .

## **Reasons and Challenges behind the Violations of Minority Rights**

### *Weak Response of the State*

Often, authorities do not initiate a strong enough response to attacks on minorities. The most recent attacks occurred during Durga Puja in 2021 (the most important Hindu religious festival in Bangladesh). Although the government expressed its intention to stop these communal attacks and punish the perpetrators, justice was not swift enough and neither was compensation for victims. If this is a sincere promise, then the government should start by implementing the recommendations given in the Judicial Commissions report submitted three years ago. Such sporadic attacks such as looting and vandalizing of temples and property belonging to Hindus occurs regularly during religious festivals.

### *Political Indemnity*

After every such incident, the two main political parties, the Awami League and BNP, start to blame each other and ultimately try to shelter any of their activists who were involved with the violence. This sort of political indemnity is a big reason why incidences of communal attacks are repeated in Bangladesh. Sections of the Bangladesh Penal Code fail to protect the rights of minorities, and perpetrators are most often not punished.

### *Land Grabbing*

Making a profit from grabbing the land and assets of minorities, particularly those belonging to Hindus and ethnic minorities, is the most common form of rights violation that occurs. These land grabbers are often influential people who enjoy immunity, and their actions are not questioned. In the CHT, settlements by majority Bengalis have changed the demography of the region, and indigenous people are no longer in the majority. The same is true of plain land Adivasis as their land continues to be grabbed for the construction of resorts and parks. The Hindu population has lost most of their land to influential Muslims, either through intimidation, forced sales at prices far below market value or through illegal land grabbing.

### *Propaganda and Rumors: Violence due to Rumors Spread by Vested Quarters*

In Bangladesh today, especially in rural areas, rumors are spread deliberately by vested interest groups to create negative perceptions about minorities. Many incidents of atrocities against religious minorities have been due to false rumors spread on purpose to unleash violence against them with the

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intention of grabbing their land or property or forcing them to migrate to India. Social media is used to create distrust and disharmony between minority and majority populations, and new technologies are used to disrupt social harmony. The result has been attacks against not only Hindus but also Buddhist communities.

### *Prolonged Justice System*

The prolonged delay in ensuring justice for victims is one of the reasons why perpetrators are emboldened to carry on their activities with impunity. They are not usually held accountable for their actions. The entire justice system is stacked against the weak and the powerless. The saying “justice delayed, justice denied” is true in this present context. Those belonging to low income groups are even more marginalized in terms of getting justice.

### **Negative Attitude towards Minorities**

Often, members of the majority population have a preconceived negative attitude towards minorities and believe they are inferior in terms of their social status, culture, and way of life. This negative attitude results in violence and rights violations.

### *Recent Incidents of Minority Right Violations*

In 2013, the numbers of human rights violations against indigenous peoples grew. Incidents of rape, murder, and land grabbing and looting of property occurred. The Kapaeeng Foundation’s “Human Rights Report 2013 on Indigenous Peoples in Bangladesh” reports that at least 47 houses, including one from the plains, were set on fire and burnt to ashes, while around 2,000 people from 400 families in CHT fled to the “no man’s land” adjacent to the neighboring Indian state due to communal attacks conducted by Bengali settlers. In some cases, while these violations were committed by influential Bengali miscreants as non-state actors, while state actors, such as members of security forces and law enforcement agencies, played either supportive or passive roles.<sup>14</sup> The situation of the CHT throughout the year 2018 was characterized by very limited freedom of speech, expression, assembly, and association.

Those who have suffered the most are the indigenous human rights defenders (IHRDs), especially those affiliated with local political platforms, as well as many ordinary indigenous villagers. Incidents of criminalization and arbitrary search operations, arrests, detentions, and false charges occurred across the CHT. The Kapaeeng Foundation, a research organization for indigenous people, documented a total of 117 people facing false charges, 75 of whom were arrested in 2018. Additionally, some 90 houses were searched by security forces in the middle of the night without any prior warrant or complaint in 2018.<sup>15</sup>

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<sup>14</sup> Dalem Chandra Barman, *Human Rights Report 2013 on Indigenous Peoples in Bangladesh*, Kapaeeng Foundation, 2014.

<sup>15</sup> Mong Shanoo Chowdhury and Pallab Chakma, *Human Rights Report 2018 on Indigenous Peoples in Bangladesh*, Kapaeeng Foundation, 2019.

### *Violence against Women and Girls*

Indigenous women and girls have been targets of violence, intimidation, harassment, and discrimination for years. Indigenous women and girls routinely face sexual, physical, and mental violence throughout the year mostly from Bengali settlers, influential land grabbers, and sometimes even men from within their own communities. The Kapaeeng Foundation documented that at least 53 indigenous women and girls, in 47 incidents, were reportedly killed, raped, assaulted, or violated in 2018.<sup>16</sup> More often than not, the violence that indigenous women and girls face is political, connected to power relations and with the intention of driving them away to grab their land.

### *International Commitments*

Bangladesh is a signatory to all UN Conventions such as ECOSOC, UNCAT etc. that focus on the protection of cultural, political, and social rights. May 2018 was the third time the human rights situation in Bangladesh was reviewed by the Working Group on the Universal Periodic Review (UPR). A 29-member delegation led by the Minister of Law, Justice, and Parliamentary Affairs attended the thirtieth session of the UPR Working Group. The Bangladesh delegation condemned violence against religious and ethnic minorities and claimed that allegations of such incidents had been addressed as promptly as possible during the period under review. In a similar vein, the delegation emphasized a “zero tolerance” policy towards crimes perpetrated by members of law enforcement agencies.

This same government policy statement appeared in the second UPR review of Bangladesh in 2013. Moreover, the delegation reiterated previously made commitments concerning the implementation of the 1997 CHT Accord and existing constitutional provisions on protecting the local culture and traditions of indigenous peoples.

### *Facebook and Social Media*

Almost every year since 2012, religious minorities have been attacked somewhere in Bangladesh after online posts promulgating false allegations. The pattern runs like this: rumors begin within a local community that people from a minority background have defamed Islam, and such orchestrated “fake news” quickly spreads online to incite violence against minorities. While Facebook remains a key platform for inciting hate and violence towards minorities in Bangladesh, three other factors are important to understand why these deadly rumors attract mobs who then attack minorities for alleged blasphemy.

Firstly, studies in recent years have identified shifting trends in Islamic majoritarianism in Bangladesh where blasphemy and atheism are deemed to have deadly implications.<sup>17</sup> Atheist bloggers have been murdered<sup>18</sup> by violent Islamists, for example, and several “blasphemous” writers, cartoonists, publishers, and bloggers now live in permanent exile.

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<sup>16</sup> Ibid.

<sup>17</sup> *Bangladesh and Violent Extremism: Resolve Network Research 2016-2017*, Resolve Network, 2018.

<sup>18</sup> Saad Hammadi and Emma Graham-Harrison, “Inside Bangladesh's Killing Fields: Bloggers and Outsiders Targeted by Fanatics,” *The Guardian*, 2016.

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## Current Practices to Protect Rights of Minorities

### *Government Initiatives to Address Violations of Minority Rights*

As mentioned above, the Constitution of Bangladesh guarantees equal rights for every citizen of the country without prejudice towards any one. The government's stated position is "zero tolerance" for crimes against minorities. The government also sets up investigation commissions after every attack and vows that the perpetrators will not be spared. When an attack occurs, the police take action and arrests are made. The National Human Rights Commission has been set up to monitor rights violations against all citizens with a special focus on minorities.

### *Non-Government Initiatives*

Civil society organizations have been active in the protection of minorities. Several NGOs have specific programs and projects to monitor rights violations and provide services to minorities, such as legal and financial assistance. In order to portray an objective situation, parallel reports are submitted by CSOs to concerned international bodies dealing with the rights of minorities. The Human Rights Forum Bangladesh (HRFB) and Citizen Platform for the Implementation of the SDGs are two such national-level platforms with links to grassroots human rights defenders.

## Conclusion and Recommendations

Bangladesh is still known as a multicultural and multi-religious country with a culture of social harmony and religious tolerance. The government is committed to upholding the principles of secularism as enshrined in the Constitution of Bangladesh, even though it often fails to act decisively against the perpetrators of violence and rights violations. It must be noted that Hindus do enjoy religious freedom, as Durga Puja is celebrated by everyone annually in a grand manner irrespective of religion. However, incidents of violence should be handled in a stronger way. Other secular festivals, such as the Bangla New Year on April 14, are also universally celebrated.

Sincere dialogue and discussion is needed to address issues such as diversity, cultural, social, political, and religious rights, and acceptance of different opinions and differences. The entire education system needs to be revised to include the above issues in the curriculum, and children should be taught at a young age to celebrate diversity rather than reject it. It is through social, religious, and cultural harmony that Bangladesh will attain the dream with which it was created of a discrimination-free society with the political, social, religious, and cultural rights of every citizen ensured. ■

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