Southeast Asia: Advancing Inter-Religious Dialogue and Freedom of Religion or Belief Project

Bangladesh Country Profile on Freedom of Religion or Belief (FoRB)

World Faiths Development Dialogue
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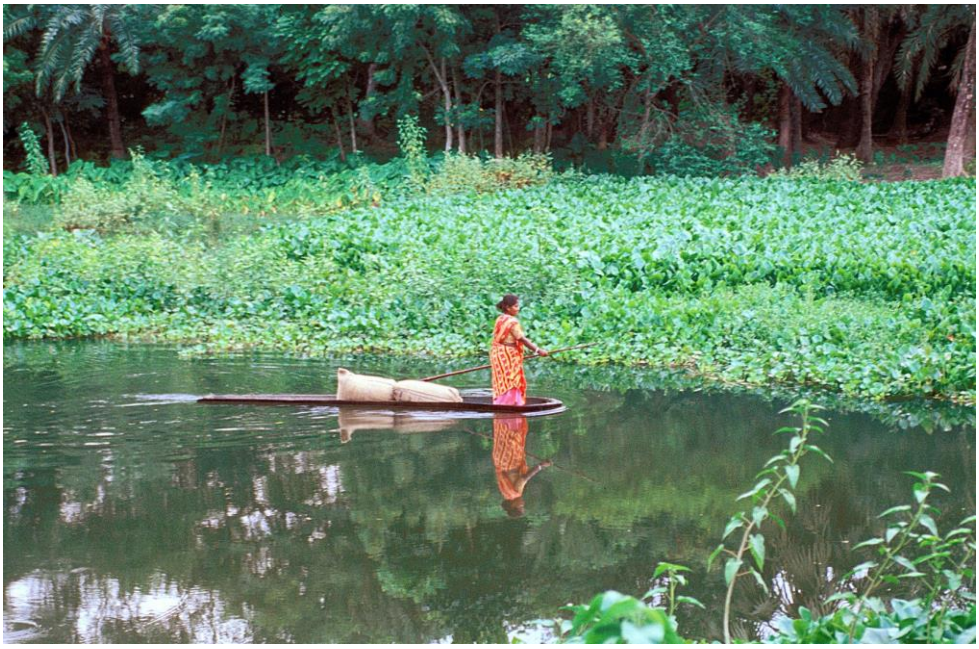

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WORLD FAITHS DEVELOPMENT DIALOGUE

The Network for Religious and Traditional Peacemakers

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[1] https://www.state.gov/international-religious-freedom-reports/

SUMMARY

There is wide agreement that people in Bangladesh generally live peacefully together across religious divides. Overall positive pluralism is part of Bangladeshi identity that shapes understandings about democracy and core civic values. Alongside the generally positive atmosphere of interreligious coexistence, however, there are legacies of religious tensions that were a significant factor in Bangladesh's creation as an independent state in 1971, and its separation from Pakistan. Observers point to increasing religious intolerance and extremism today, although they are generally seen as jarring in Bangladesh's predominant culture of harmonious interreligious relationships.

With 2012 seen as a turning point, concerns are mounting about interreligious relationships and the national commitment to become a pluralistic society, including freedom of religion or belief (FoRB). Challenges reflect the contemporary focus on Islam as part of Bangladeshi identity, rising conservative currents within Islamic communities, continuing debates around religious family law (affecting, for example, legal age of marriage), and violent incidents that include murders of bloggers and others, attacks on religious minority individuals and institutions, and the 2016 Holey Bakery events in which 29 people died after five militants took hostages. Hate speech, application of blasphemy laws, handling of land disputes, and tensions around the focus of madrasa education are signs of the growing tensions. They have both national and international repercussions.

FoRB is understood differently among various circles in Bangladesh, but has not been a leading topic of public discussion. A history of active professions of the need for religious equality and respect contrasts today to what two observers describe as a "conspiracy of silence."[2] The 'politicization' of religion, in particular Islam, is quite widely discussed as a concern, among government officials, civil society, and representatives of religious communities alike. A typical interpretation of Islamic extremism (manifest both in violent attacks and in debates about aspects of gender equality and human rights such as age of marriage) is that this has far less to do with religion itself, but rather originates from an 'abuse' of religion for political gain, and continued male domination. Bangladeshis and international partners are concerned nonetheless that, notwithstanding both formal commitments to secular principles and an inclusive society, to FoRB, and remarkable progress on women's rights, a religious backlash threatens both harmony and progress on human rights. With growing international focus on extremism and associated violence, FoRB issues for Bangladesh are taking on greater significance in the international community.[3]

FoRB issues are linked to broader contemporary issues of human rights for Bangladesh and the status of its democratic institutions. Observers are specifically concerned that recent tensions (with their complex religious dimensions) have led the government to adopt hardline policies intended to quash political and social dissent. This in turn is seen as reducing markedly civil society avenues for dialogue and expression, presenting obstacles to political participation. Issues more specifically linked to FoRB principles focus on treatment of minorities in a climate where some describe a creeping Islamification of Bangladesh's

[2] M. Christian Green and Monica Duffy Toft, *Freedom of Religion or Belief and the Pursuit of Religious Harmony in Southeast Asia*, Cambridge Institute on Religion and International Studies,26 September 2019, http://ciris.org.uk/2019/09/26/freedom-of-religion-or-belief-and-the-pursuit-of-religious-harmony-in-southeast-asia/

[3] See for example a focus on Bangladesh in M. Christian Green and Monica Duffy Toft, "Freedom of Religion or Belief Across the Commonwealth: Hard Cases, Diverse Approaches," *The Review of Faith and International Affairs*, pages 19-33, published online: 11 December 2018, https://www.tandfonline.com/doi/full/10.1080/15570274.2018.1535043

religious, political, and social spheres. The rise in violent incidents is a central concern, albeit one where there are few clear patterns. Concerns about regional religious trends towards extremism and terrorist networks affect Bangladesh. Both need to be watched carefully.

Religious backlash against women's rights is a concern, with debates around lowering the age of marriage as a sign of persistent opposition to progress towards gender equality. However, signs of backlash need to be seen within the context of Bangladesh's complex religious landscape and active civil society. Again, carefully watching these trends is prudent.

A feature of Bangladesh (also shared with other countries in the sub-region) is a tendency to associate people from different religious backgrounds with neighboring countries: Hindus with India, Buddhists with Burma/Myanmar. This enmeshes religious identities in tensions around citizenship. Modern transnational communications, plus concerns about extremist tendencies color international relations. For Hindus, the association with India is natural given historical and ethnic ties, and many Bangladeshi Hindus maintain strong links with family and businesses in India. Current issues of Indian citizenship for Bangladeshi Hindus complicate relationships, as have moves in several Indian states that deprive Indian Muslims of Indian citizenship. Christians are seen as linked to "the West." Rohingya refugees from Rakhine State in Myanmar, even prior to the recent mass migration, are almost all Muslims but are not seen as Bangladeshi.

FoRB PRINCIPLES & DEBATES IN ACTION

Constitutional Protections for FoRB are Clear and Robust

Freedom of religion or belief, as enshrined in articles 39 and 41 of Bangladesh's Constitution, as well as in international human rights conventions that Bangladesh has ratified, applies to all citizens. FoRB protects traditional believers as well as people with critical and dissenting views on religious matters. The international understanding of FoRB protects 'internal minorities,' thus people who belong to a particular branch of a religion or belief.

Bangladesh's Identity as a Secular State Complicated by Its Parallel Identity as a Muslim Nation[4]

The Government attaches importance to the principles that were prominent when establishing Bangladesh as an independent nation in 1971, defining it as a secular state (Article 12 of the 1972 Constitution). Bangladesh's secularism represents a commitment to create and uphold an open, inclusive space for religious diversity, free from fear and discrimination. Understandings of what secularism implies are, however, debated and interpreted differently by various groups. Official policy holds secularism as the formal commitment to protect and promote religious and belief-related diversity, based on the right to FoRB for all, as guaranteed in articles 39 and 41 of the Constitution, as well as in international human rights law.

[4] "The original 1972 *Constitution of Bangladesh* incorporated a provision for secularism. The 1979 Fifth Amendment deleted the principle of secularism and incorporated *Bismillah-ar-Rahman-ar-Rahim* (In the name of Allah, the Beneficent, the Merciful). The 1988 Eighth Amendment declared Islam to be the official state religion. The High Court Division (HCD) of the Supreme Court of Bangladesh declared the removal of secularism from the *Constitution* illegal in 2005. The Appellate Division of the Supreme Court of Bangladesh upheld the decision of the HCD and the *Constitution* was amended in 2011 by the Parliament so that the provision for secularism was restored. The *Constitution* still lists the state religion as Islam and retains the declaration *Bismillah-ar-Rahman-ar-Rahim*, but these inclusions have been deeply controversial." Jahid Hossain Bhuiyan "Secularism in the Constitution of Bangladesh," *Journal of Legal Pluralism and Unofficial Law*, Volume 49, 2017, Issue 2.

Secularism is, however, understood by some to involve an anti-religious attitude, or a framework where faith is a private affair. The situation is complicated by parallel constitutional definitions (that have changed over time) of Bangladesh as a Muslim state and appreciations of the nation's Muslim and religious identity. An 'inclusive' understanding of secularism is thus an aspiration, but one that is also actively contested in law and in practice. This affects approaches in important areas of policy and social relations, notably education, civil society development, relations with smaller communities, and other topics.

Bangladesh's Religious Landscape Colors FoRB Issues and Understanding

Bangladesh has deep historical patterns of religious diversity. Its religious demography (based on 2017 population estimate of 165 million) comprises a majority of Muslims (roughly between 85 and 90 percent); Hindus are the second largest group (with around 8 percent, or about 12 million[5]), and approximately one million Buddhists and 500,000 Christians. Other small religious minorities include the Bahá'í with about 300,000 followers. Among indigenous peoples, the practice of traditional forms of spirituality (sometimes called 'animism') is common though data are poor; they often exist in combination with one of the traditions cited above. The numbers of agnostics and atheists are uncertain. The overwhelming majority of Muslims in Bangladesh follow the Hanafi school of Sunni Islam; Jafa'ari Shias, Ismailis and Ahmadis constitute different branches of Islamic minorities. Christians are also diverse with different denominations, in particular Catholics, Anglicans, and other protestant religions, such as Baptists.

Dynamic Religious Demographics

Bangladesh's religious demography has changed considerably in recent decades, mostly as a result of migration within the region. The dramatic decline in the percentage, though not number, of Hindus is significant. At Bangladesh's independence in 1971, the Hindu population amounted to approximately 23 percent of the population; current estimates are near 8 percent. Most reportedly went to the eastern provinces of India, where they and their descendants face citizenship issues, and to Kolkata. The decline has had much to do with contested property issues, as well as other issues including the future prospects for young Hindus in Bangladesh, and the experience of general vulnerability through harassment and at times even physical attacks.

The Distinctive Religious Landscape and Geography of the Chittagong Hill Tracts (CHT)

Demographic changes have been even more pronounced, partly as a result of Government policies that encouraged population migration to the area. Indigenous peoples living in the CHT region, mostly following Buddhism and Christianity, were the vast majority in the past, but indigenous and Bengali populations are now more or less even. Islam has become quite visible, for example, with newly erected mosques and madrasas. Hindus have migrated to the CHT region, allegedly feeling safer than in some other regions of Bangladesh. Ethnic and religious minority situations, although largely overlapping, are not identical. For example, some Buddhists or Christians living in the CHT region have a Bengali background, while the majority of the followers of these two religious traditions are indigenous people. A twenty-year insurgency, principally led by indigenous groups, ended in 1997, although uneasy relations persist.

Government's Role in Regulating and Overseeing Religious Institutions and Practice

Registration requirements and procedures for religious groups are the same as for secular associations. Individual houses of worship are not required to register. However, religious groups seeking to form associations with

[5] See Nathaniel Adams, *Faith and Development in Focus: Bangladesh*, WFDD, October 2015.

multiple houses of worship must register with either the NGO Affairs Bureau (NGOAB), if they receive foreign assistance for development projects, or the Ministry of Social Welfare if they do not. The law requires that the NGOAB approve and monitor all foreign-funded projects. The NGOAB director general has the authority to impose sanctions on NGOs for violating the law, including fines of up to three times the amount of the foreign donation or closure of the NGO.

NGOs are subject to penalties for "derogatory" comments about the constitution or constitutional institutions (i.e., the government). Expatriate staff must receive a security clearance from the National Security Intelligence Agency, the Special Branch of the police, and the Directorate General of Forces Intelligence. The Ministry of Religious Affairs budget was 11.68 billion taka ($139.05 million) for the 2018-19 fiscal year, (June 2018-July 2019). fiscal year, with 9.21 billion taka ($109.64 million) allocated for development through various autonomous religious bodies, the largest amount went to the Islamic Foundation, administered by the Ministry of Religious Affairs. The Hindu Welfare Trust and the Buddhist Welfare Trust received some funds and while the Christian Welfare Trust received no development funding although some funds supported office costs.[6]

Additionally, the government provides guidance to imams throughout Bangladesh on the content of their sermons. The stated goal is to prevent militancy and to monitor mosques for "provocative" messaging. The government has significant influence in appointing and removing imams. Imams are said to avoid sermons that contradict government policy.

Complex International Repercussions Linked to Plural Religious Communities

The common association of various religious minorities or tendencies with neighboring countries brings complex identity issues and tensions. Hindus are associated with India. Relationships between Bangladesh and Pakistan have remained complicated since independence in 1971. Certain currents within Muslim communities are associated with Pakistan: a 'Pakistani mindset' or a 'Pakistani philosophy' carries negative and stigmatizing connotations.

There are concerns about the increasing influence of Middle Eastern countries and the rise of Islamic fundamentalism that marks significant changes from traditional teachings. The shift is commonly attributed to the growing influence of ultra-conservative interpretations of Islam stemming from Saudi Arabia. These tendencies do not materially affect the generally harmonious climate of interreligious coexistence.

Buddhists in the CHT are associated with Myanmar, where the majority religion is Buddhist. Incidents (isolated, it appears) have involved militant Muslims calling for Buddhists to leave Bangladesh. Christians are perceived as having close links with the West, i.e., Europe or the United States.

Unique Challenges with the Influx of Rohingya

About a million Rohingyas, almost all of whom fled Myanmar, currently live in precarious conditions in Bangladesh. The government does not recognize them as refugees, making their status tenuous and vulnerable. The Rohingyas mostly have a rather conservative understanding of Islam which can produce tensions with host populations as well as broader concerns about the impact of what is becoming a protracted refugee situation on national religious relationships.

Foreign involvement has also created concerns within the Bangladesh government. The government has granted the Allama Fazlullah Foundation the requisite registration to work in Cox's Bazar. However, two

[6] US State Department 2018 Religious Freedom Report for Bangladesh.

other religiously affiliated organizations that applied for registration to work in Cox's Bazar for Rohingya relief in 2017, Muslim Aid Bangladesh and Islamic Relief, have remained banned. In 2017, parliamentarian Mahjabeen Khaled stated to media, "It is believed they were running other operations under cover of relief efforts."

The Challenge of Rising Religious Extremism

Militant interpretations of Islam do not resonate widely in a society generally characterized by religious tolerance and a long tradition of interreligious coexistence. However, the influence of extremists (both local and international) has become a matter of concern for the government, for civil society organizations, and for religious communities. Some measures taken by the government have the paradoxical result of shrinking the very space, which secularism, like democracy, is supposed to provide. Measures to combat the 'politicization of religion' or the 'religionization of politics' (presented as necessary to assure security) can infringe on freedoms of assembly and expression and thus FoRB. Actions, under the rubric of countering terrorism, include surveillance, arrests, and treatment of suspects, and have aggravated tensions. While they have condemned death threats and acts of violence committed in the name of religion against activists, government representatives have also publicly admonished online activists who express critical views on religion, in particular Islam, not to go 'too far' in their criticism, though the warnings tend to be vague. Modalities of law operating in "secular" courts do not appear to assure full equality among religious communities and there are concerns about impunity for certain communities.

Shrinking Space for Civil Society

Human rights organizations have long existed in Bangladesh. However, now their members are being arrested which is contributing to a perception that space for civil society is rapidly shrinking to the detriment of the interlinked principles of secularism and democracy. Constitutional provisions, legal norms, and political reform agendas lack consistent implementation, particularly at local levels. This affects education, public welfare, religious affairs, property issues, and even guarantees of physical safety by law enforcement agencies.

Prejudices among those responsible for implementing regulatory oversight and widespread corruption leave an economically impoverished strata of society with limited influence. Lack of accountability and transparency in the absence of systematic monitoring contributes to arbitrariness and feelings of anxiety and insecurity that have different political, legal, and societal effects, all of which lend to corruption.

The Link between Unsettled Property Disputes and FoRB

Insecurity of property claims, in particularly relating to real estate, sometimes comes in tandem with fears for physical security in the face of rising religious extremism. Through the 1965 'Enemy Property Act,' enacted in the still united Pakistan as a result of ongoing conflicts with India, many Hindu properties, mainly real estate, were confiscated. This practice has continued in the name of the 'Vested Property Act,' spurring Hindu families to emigrate to India and other countries. Many confiscations amount to sheer land grabbing. Compensation of lost properties has reportedly been inadequate. Insecurities around real estate in the CHT centers on disputes linked to lack of ownership 'documentation.' The general legal insecurity affects the land on which religious infrastructure has been built, such as temples, pagodas, churches, graveyards, or cremation grounds.

Education and FoRB Issues

Bangladesh's educational system is complex with government schools, private schools, and religious schools of different sorts existing in parallel. In government schools, 'religion' is a mandatory subject, combining elements of neutral information with religious instruction; the distinction between 'information about religions' and 'religious instruction' is often blurred.

Students are to receive education in their respective religions, taught by teachers who themselves profess the same religions, but this does not always occur. Because there are too few adequately skilled teachers from minority traditions (Buddhist, Christian, or Hindu), many children receive religious education from teachers who lack specific training on the subject. When children are sent to classes in other religions, fears of alienation or proselytism arise.

Various concerns center on government actions on textbooks. The Ministry of Education (MOE) has made significant changes to traditionally secular Bengali language textbooks, such as removing non-Muslim authors' content and adding Islamic content to nonreligious subject matter. Various religious communities run religious schools, sometimes connected with dormitories and orphanages. Christian-run schools, often called 'missionary schools,' follow the national curriculum and serve mainly students coming from non-Christian religious backgrounds. Educational projects outside of schools, for instance, in temples or churches commonly aim to familiarize younger generations with specific traditions in communities that are characterized by the overlap of ethnic, linguistic, and religious traditions.

Madrasa schools have raised some specific concerns around FoRB including equality of access, quality, and approaches to extremism. Two branches of madrasas, Alia and Qaumi, emphasize Islamic teaching, i.e., Qur'an, Hadith, and other religious subjects. Alia madrasas are integrated into the national curriculum; Qaumi madrasas are not. Madrasas that comply with the national curriculum educate their students in natural sciences, social sciences, mathematics, languages (Bangla, English and Arabic), information and communication technology, and other subjects. Many madrasas co-educate boys and girls. Qaumi madrasas have their own curriculum, outside of the Ministry of Education. There are fears that some promote extremist views, such as stigmatizing all non-Muslims as 'infidels.'

Personal Status Laws Based on Religion Complexify Social and Human Rights Issues

Religion-based personal status laws pose various challenges FoRB and to broader human rights. Most aspects of law in Bangladesh are secular, however, personal status issues – such as marriage, family life, divorce, custody of children, maintenance, and inheritance – are governed by religious laws, depending on the religious backgrounds of the concerned individuals (Muslim, Hindu, Christian). Buddhists do not have their own personal status law, but fall under Hindu law. Baha'is apply their own family laws, which the government recognizes. Converts, agnostics, atheists and others may face difficulties in fitting into the limited options provided by a religion-based structure.

Interreligious marriages have been rare in Bangladesh and difficulties arising from the existing structure of personal status laws are one explanation. A Muslim woman cannot legally marry a non-Muslim man; the only resort, apart from conversion or emigration, is by applying the 'Special Marriage Act' of 1872, whereby the spouses have officially to declare that they do not believe in any institutionalized religion. Religious family laws can differ from religious family values, rites or customs.

While religious rituals, customs, ceremonies, and values in the broad area of marriage and family life receive general protection under the right to FoRB, State enforced laws based on religion can lead to problematic situations, for instance with respect to inheritance, maintenance, or custody of children.

Traditional personal status laws typically reflect inequalities between men and women who are understood as having different roles, and concomitantly different rights, in the areas of marriage, child rearing, custody, maintenance, and inheritance.

The Issue of Religious Conversion

Religious conversions are generally rare and most take place in the context of interreligious marriages. When conversions occur outside interreligious marriages, in particular from Buddhism to Christianity or from various religions to Islam, converts including sometimes their offspring typically face social ostracism in their social environment. Conversions are often seen as not genuine, motivated by the expectation of material benefits or other non-religious incentives. Some converts have gone into hiding or have concealed their newly adopted faith fearing social ostracism and discrimination. Communities from which they have converted fear that, in the long run, they will lose their members to the predominant Islam or to Christian missionaries. Rumors and unrealistic projections damage the general harmonious relations among the followers of different religious groups.

Conversion efforts are termed ‘missionary work’ or ‘dawa.’ Government policy generally discourages missionary activities, with a view to avoiding religious conflicts that might arise. Issuing visas for international co-religionists has been rather restrictive, possibly out of fear that these people could engage in unwelcome missionary activities. Inviting fellow believers from abroad can be quite difficult, possibly infringing on their freedom of religion or belief. Members of Christian communities have expressed concern that they face unfounded suspicion that they would engage in systematic proselytism.

Unique Challenges of Hijras and Other Sexual Minorities Regarding FoRB

In South Asia transgender persons, usually called ‘hijras,’ traditionally enjoy acceptance in the society. Other sexual minorities find less acceptance and often experience verbal or other abuse. There is a widespread perception that persons belonging to sexual minorities must be ‘non-believers,’ yet surveys indicate that many identify themselves as adherents of different faiths. FoRB for persons belonging to sexual minorities is underexplored and warrants attention. Opening the space for discussion might help overcome prejudices and unsubstantiated anxieties.

Challenges of Integrating Indigenous ‘Spirituality’ into FoRB

Indigenous peoples may feel disadvantaged because broad concepts of spirituality often do not easily fit into the usual patterns of addressing religious freedom. Ceremonies are so deeply interwoven into daily life that the distinction between religious and non-religious aspects may be inapplicable in practice. Religious loyalties may be less clear-cut than in mainstream religions and may combine elements of different religions. An inclusive application of FoRB for indigenous spirituality is challenging. Individuals may find it difficult even to articulate specific needs, which they traditionally simply took for granted as part of their everyday life.

FoRB Concerns about Hate Speech and Blasphemy as well as for Security and Order

Statements or acts made with a “deliberate and malicious” intent to insult religious sentiments are subject to fines or up to two years in prison. The Criminal Code does not further define this prohibited intent, but the courts have interpreted it to include insulting the Prophet Muhammed. The code allows the government to confiscate all copies of any newspaper, magazine, or other publications containing language that “creates enmity and hatred among the citizens or denigrates religious beliefs.” The law applies similar restrictions to online publications. While there is no specific blasphemy law, authorities use the penal code, as well as

a section of the Information and Communications Technology Act to charge individuals. In addition, there are provisions that originate from the era of British colonial rule, for example sanctions against "outraging religious feelings," as stated in Section 295A of the Criminal Code, Section 57.

The law has a chilling effect on civil society organizations, human rights activists, and members of religious minority communities. The government established a media monitoring cell in 2016 to track media and blogs that write negatively about Hindu, Muslim, and other religious beliefs. The government prohibits transmission of India-based Islamic televangelist Zakir Naik's Peace TV Bangla, stating that it spreads extremist ideologies. It closed "peace schools" the government said reflected his teachings.

Increased Insecurity Among Minorities and Other Vulnerable Groups, Including Civil Society Organizations and Individuals Expressing Critical Opinions since Violent Incidents of 2012

A prominent example is the 'Ramu incident' of 2012 where more than 20 historic Buddhist temples were ransacked, torched, and finally destroyed, based on a false rumor posted on Facebook. In these and similar violent incidents that have affected Buddhist, Christian, Hindu, and Amadiya communities, senior government officials, including the Prime Minister, have condemned the violence, and, in some instances, acted to rebuild and reimburse.

Prosecutions for the most egregious incidents, including the 2016 Holey Bakery catastrophe and murders of bloggers and others, have moved slowly through the legal system.

Incidents Affecting Women Often Linked (at least in perception) to Religious Beliefs and Leaders

Village community leaders, often working together with local religious leaders, used extrajudicial fatwas to punish women and other groups for perceived "moral transgressions." Abductions, mostly of girls, with the purpose of forcing them to convert to another religion and enter into an unwanted marriage, amount to rape or similar cruel abuses.

Mixed Government Responses to Violent Incidents

Government responses include condemnation, but also ambiguous calls to critical free thinkers 'not to cross the limits.' Supreme Court authorities removed a sculpture at the Supreme Court's entrance depicting a blindfolded woman with scales in one hand and a sword in the other, dubbed "lady justice," apparently in response to demands from some Muslim clerics who stated the "idol" contradicted Islamic values and heritage and would interfere with Eid prayers. The move sparked counter-protests demanding that the statue be reinstalled. Hard-core secularists and Islamists alike were outraged by the government's response, which was understood as an effort to balance between hard core positions, and a form of "secular" accommodation.

Interreligious Dialogue (Although Limited) Often Focuses on FoRB Issues

In 1999 the University of Dhaka established the Department of World Religions and Culture, where students learn about various religions, their common features and values, relevant distinctions, and options for cherishing amicable interreligious relations. Professors and lecturers aim to promote modern interpretations of the sources and traditions of various religions. Some professors have served as advisors to the Ministry of Education. A Centre for Interreligious and Intercultural Dialogue pursues practical

projects concerning interreligious communication in Bangladesh. The global interreligious entity, Religions for Peace, has a Bangladesh chapter that focuses on dialogue.

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