



## Religion

## Population

## Area

- Muslims : **88.9%**
- Hindus : **9.3%**
- Others : **1.8%**

162,911,000

147,570 Km<sup>2</sup>

## Legal framework on freedom of religion and actual application

The political institutions of Bangladesh have the distinction of being under a paradoxical constitution that recognises both secularism as an underlying political principle and Islam as the religion of the state. Article 12 of the constitution (on “Secularism and freedom of religion”) was suspended in the past, but was restored in June 2011 under the 15th amendment. It 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.”<sup>[1]</sup> At the same time, article 2A states that “The state religion of the Republic is Islam” while there is also “equal status and equal right in the practice of the Hindu, Buddhist, Christian and other religions.”

This paradox has persisted for some years. On 28th March 2016, the High Court of Justice of Bangladesh upheld the status of Islam as the state religion.<sup>[2]</sup> In the background to this decision was an application made in 1988 to the same court. At that time, about 15 eminent individuals had questioned the legitimacy of the 1988 constitutional amendment that made Islam the state religion; their argument had been that the recognition of Islam as a state religion is in contradiction with the principle of the secularism of the state. These eminent personalities finally abandoned their application, believing that the judges would be unfavourable to them. However, the argument was revived in August 2015, by a lawyer called Samendra Nath Goswami, who filed another petition to challenge the legality of the amendment that made Islam the state religion. In 2016, the judges were therefore faced with a major issue, namely the status of Islam within Bangladeshi society. At the time, with the country torn by religious tensions and the rise of an Islamist movement, the judges ruled in favour of the prominent place of Islam in the constitutional charter.

Bangladesh proclaimed its independence in 1971 and throughout its history it has been confronted with the question of

how to define its identity. Is Bangladesh a secular country or an Islamic nation? Sunni Islam unquestionably occupies a major place in a country that is proud of its tolerant and moderate traditions. In 1972, Bangladesh adopted a constitution based on a linguistic and secular identity, and in 1988 it was a military regime, led by Dictator Hussein Muhammad Ershad, that decided to modify the constitution to make Islam the religion of the state. Since then, a powerful political and intellectual movement has sought to restore the historical principle of national secularism. So far, these efforts have been in vain.

The conflict over the country's identity has given birth to two opposing ideological factions: "secularists" and "Islamists". "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," says Samuel Berthet, historian and lecturer at the University of Shiv Nadar in India.<sup>[3]</sup> In fact, Bangladesh was originally East Pakistan, before it broke away from the western part in 1971 during an extremely violent liberation war. Estimates of the loss of life caused by the war for independence range from 300,000 to 3 million people.<sup>[4]</sup> Pro-Pakistan militia, defending an Islamic conception of the nation, tried to crush the secessionists.

"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," the historian goes on to say in his analysis<sup>[5]</sup> Furthermore, "under the growing influence and exchanges with the Middle East, conditions and perceptions have evolved.

After being inscribed in 1988 in the constitution by an authoritarian regime, the concept of religious majority was used as a justification for the idea of a state religion. Such influence, which touches a large part of the population, weighs heavily on a majoritarian democracy. Nonetheless, the principle of state religion has also had an impact on the situation of minorities. For the supporters of Bangladesh in its original version, abandoning the reference to a state religion remains paramount. Their claim has become synonymous with guaranteeing freedom of expression, but also with the freedom to practise one's religion, whatever it may be.<sup>[6]</sup> In light of the recent evolution of Bangladeshi politics and society, it is, however, clear that secularists are losing ground in the long-running constitutional debate.

## Incidents

Unlike Pakistan, Bangladesh does not have an anti-blasphemy law. Local law derives from the Penal Code drafted by the British colonisers in 1860 and in articles 295A and 298, recognises only the offence of wounding or outraging the "religious feelings" <sup>[7]</sup> of others. In addition, there is an information technology law that was passed in 2013, under which it is illegal to publish something on the Internet that could "harm public order and the law" or be construed as defamation against religions.<sup>[8]</sup>

In 2013, Hefazat-e-Islam (Protectors of Islam), an Islamist organisation founded in 2010 as a pressure group, released a 13-point list addressed to the government demanding that legislation and public policies be made more compliant with Islam. Some of the demands have been followed up. Consequently, in January 2017, new textbooks were distributed by the Ministry of National Education to the country's 20,000 schools and madrasas. Soon teachers realised that Bengali textbooks had been purged of certain secular features, in favour of an Islamic reference system. In April 2016, Hefazat-e-Islam had explicitly asked the authorities that textbooks should have a stronger Islamic character and that 17 poems and epic stories, written by non-Muslim authors and deemed "atheist", be removed.<sup>[9]</sup> Intellectuals protested against what they perceived as "a form of poisoning", to quote Rasheda K. Choudhury. "I will not use the term 'Islamisation' but it is undeniably a measure against secularism," said the human rights advocate who is also an expert on educational issues.<sup>[10]</sup>

Everybody remembers the wave of targeted attacks in recent years in Bangladesh. In addition to the attack by an Islamist commando against a coffee shop in Dhaka that killed 22 people, including 18 foreigners, on 1st July 2016, some 40 prominent figures have been murdered by Islamists in the capital and elsewhere in the country (usually they have been stabbed). Each time, the targets have been intellectuals, academics and publishers deemed "atheists", and members of religious minorities. On 3rd March 2018, an attack targeted an academic and renowned physicist, also known as a writer

of children's books and one of the pioneers of Bangladeshi science fiction. Muhammad Zafar Iqbal, 64, was stabbed in the head and the hands by a 25-year-old man who, after being arrested by police, said he had acted like this to "silence an enemy of Islam".<sup>[11]</sup> The Prime Minister said that the government would take action to ensure that the perpetrator was tried, and that intellectuals like Dr Iqbal would have greater security. However, according to Monsignor Bejoy Nicephorus D'Cruze, Bishop of the Catholic Diocese of Sylhet (in the north-east of the country), such an attack shows that Islamism is very much alive in Bangladesh. "Legislators claim to have solved the problem. The police are active when an attack happens but then become inactive until the next attack. The police must admit failure in this case. The police failed to protect Dr Iqbal and must take concrete steps for this not to happen again," said the Bishop.<sup>[12]</sup>

According to organisations such as Human Rights Watch and Amnesty International, the International Crimes Tribunal – set up by Sheikh Hasina in 2010 to "provide justice for the victims of the atrocities of the 1971 War of Independence" – will not address the problem of violence in Bangladesh. This special court has sentenced dozens of people to death or life imprisonment, including (in May 2017) Delwar Hossain Sayedee, a major leader of Jamaat-e Islami.<sup>[13]</sup> Islamist parties are accused of supporting the Pakistani army and committing war crimes. However, although these trials make it possible to remove from the political scene some Islamist leaders allied to the Bangladesh Nationalist Party (BNP), they have no power to curtail the rise of Islamic fundamentalism in Bangladesh. According to the Bangladesh Hindu Buddhist Christian Unity Council, the year 2016 saw 1,471 violent incidents against ethnic and religious minorities, compared to the 262 incidents recorded in 2015.<sup>[14]</sup>

It is in this context that Pope Francis made a visit to Dhaka from 30th November to 2nd December 2017. Coming from Myanmar where he had spent six days, the Pope came to comfort the country's small Christian minority. In particular, he asked that Catholics be able to maintain their "freedom" in a country with a rich tradition of inter-religious "harmony". At the same time, he did not attempt to conceal the problem that country has with terrorism.

The Pope also called for urgent aid for the Rohingyas, stressing "the seriousness of the situation" and requesting "immediate material assistance".<sup>[15]</sup> The fate of this overwhelmingly Muslim group – who have fled in their hundreds of thousands from western Myanmar (Burma) because of what the United Nations and humanitarian agencies have identified as "ethnic cleansing" – is a significant issue in Bangladesh. In anticipation of the upcoming monsoon season, which usually peaks in July-August, Bangladeshi authorities have begun moving tens of thousands of Rohingyas to slightly higher ground. However, humanitarian organisations report that the authorities also plan to accommodate a large number of these refugees on the island of Thengar Char (also called Char Piya), off Chittagong; there are concerns that the island is exposed to the monsoon and so is unsuited for such a large number of people.<sup>[16]</sup>

## Prospects for freedom of religion

General elections must be held before the end of 2018 and, in this context, the country's tense political situation is not likely to become calmer soon. In mid-February 2018, the current Prime Minister's long-time rival was arrested after being accused of corruption. Khaleda Zia, leader of the Bangladesh Nationalist Party, is now serving a five-year prison sentence and it is unclear whether she will be released on bail before the general elections. As he seeks re-election, Prime Minister Sheikh Hasina of the Awami League will need to take account of the growing role of Islamist groups in the country's politics. It is therefore unlikely that the constitutional status of Islam will be challenged. Faced with the BNP, whose ally is the powerful Jamaat-e-Islami (an Islamist party), the Awami League is trying to win over Muslim voters. Thus, we should not expect any decline in tensions in Bangladeshi society, of which religious minorities and ethnic groups are the first victims.

## Endnotes / Sources

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