

State Recognition and Rights of Birangona Freedom Fighters: Governance Challenges and Way-out

Executive Summary

16 June 2022

State Recognition and Rights of Birangona Freedom Fighters: Governance Challenges and Way-out

Research Advisors:

Dr. Iftekharuzzaman, *Executive Director, TIB*

Professor Dr. Sumaiya Khair, *Advisor-Executive Management, TIB*

Mohammad Rafiqul Hassan, *Director, Research and Policy, TIB*

Research Supervisor:

Shahzada M Akram, *Senior Research Fellow, Research and Policy*

Research conducted by:

Rabeya Akter Konika, *Research Associate, Research and Policy*

Released on: 16 June 2022

Contact:

Transparency International Bangladesh (TIB)

MIDAS Centre (Level 4 and 5)

House # 5, Road # 16 (New) 27 (Old)

Dhanmondi, Dhaka – 1209. Bangladesh

Tel: +88 02 48113032, 48113033, 48113036

Fax: +88 02 48113101

Email: info@ti-bangladesh.org

Website: www.ti-bangladesh.org

State Recognition and Rights of Birangona Freedom Fighters: Governance Challenges and Way-out

Executive Summary*

Background and Rationale

- The war of liberation is a glorious chapter in the history of Bangladesh. Those who fought with arms and contributed to the administrative and diplomatic spheres during the liberation war had been recognized and honoured by the state as freedom fighters.
- During the war of liberation, women constituted 48.31% of the total population of Bangladesh, a large part of whom were directly or indirectly involved in the war.
- After independence, the number of women recognized as freedom fighters is very low. Among the 2 lakh gazetted freedom fighters 206 are women; out of the total 676 awarded freedom fighters, only three are women.
- To honour the sacrifice of the women who were tortured during the war of liberation were awarded the title of 'Birangona' by the government on December 22, 1971 and by Father of the Nation Bangabandhu Sheikh Mujibur Rahman on February 26, 1972.
- After independence, no list of abused women was prepared by the state; Even their names, addresses and actual numbers were not documented at all.
- According to government estimates, 200,000 women were tortured during the war and this number varied from 800,000 to 1 million in different research reports.
- In 1972, the government set up women's rehabilitation centres to rehabilitate abused women. Apart from this, several initiatives were taken at the private level.
- After 1975, the rehabilitation project and all the centres were closed.
- Instead of being honoured and privileged to contribute to the war of liberation, Birangonas are forced to live inhumane lives by hiding their identities for the fear of public shame.
- A petition was filed in the High Court on January 26, 2014, seeking the award of freedom fighter honours to the Birangonas.
- In January 2015, National Parliament passed a resolution granting the status of freedom fighters to Birangonas, stating that women oppressed by the Pakistani aggressors and their allies should be gazetted as 'Women Freedom Fighters (Birangona)' and provided with all government benefits for the freedom fighters, including monthly allowances, and also mentioned developing an archive.
- According to the notification issued on September 16, 2015, a number of 41 Birangonas were gazetted as freedom fighters for the first time. The total number of Birangona freedom fighters in the gazette till May 24, 2022, is 448.
- Although more than six years have passed since the notification was issued, the number of gazetted Birangona is much less than the number recognized by the government. Besides, there are many questions and complaints about the process of recognition and providing benefits of the Birangonas.
- In this context, this research has been undertaken to observe and analyse the process of state recognition and assurance of the rights of Birangona in light of good governance.

Objectives of the Study

Overall Objective

- Review the process of state recognition and acquiring the right of Birangona as freedom fighters from the perspective of good governance

Specific Objectives

1. Review the plans and agenda adopted for providing registration and facilities to the Birangona;

* The executive summary of the report was released through a virtual press conference on 16 June 2022.

2. Analyse the existing deficiencies of good governance and its causes and consequences;
3. Make recommendations on the basis of research findings.

Scope of Research

- **Identification Process:** The process of finding Birangonas; The role of government and various stakeholders in the process of finding and identifying Birangonas;
- **Certification Process:** Steps of certification; Existing complications or irregularities in the certification process;
- **Application Process:** Steps of application; Various stakeholders involved in the application process; Complications or irregularities in the application process;
- **Verification and Gazette Declaration: Verification process of the applicants:** The sensitivity of the verification process; Existing complexities or irregularities/corruption in the process of verification, selection and gazetting;
- **Providing Monthly allowance and Other Facilities:** Allowances and other benefits; Complications or irregularities in receiving allowances and benefits.

Research Method

- Qualitative research method was followed.
- Primary and secondary data were used.
- **Primary Data Collection Methods and Data Sources:**
 1. **Interview:** Interviews were conducted with Birangonas, personnel working for the right of Birangonas, and concerned government officials.
 2. **Focus Group Discussion:** Focus group discussions were conducted with the personnel working for the right of Birangonas, and concerned government officials.
- **Secondary Data Collection Method and Information Sources:** Review was done on the information published on the websites of the concerned government offices and ministry, and reports published in the media (print and electronic), articles, and books.
- **Data Collection Period:** January 2022 to March 2022.

Analytical Framework

The topics covered in the study scope have been analysed through six indicators of good governance-

- **Rule of law:** Review of various relevant government notifications.
- **Efficiency and Effectiveness:** Planning and implementation of activities of different stakeholders involved in the process of granting state recognition and rights to Birangonas.
- **Participation:** Participation of different stakeholders including local government institutions, local people, non-governmental organizations and other individuals.
- **Irregularities and Corruption:** Types of irregularities and corruption, causes and anti-corruption measures.
- **Accountability:** Control and supervision, complaint redress system.
- **Sensitivity:** The sensitivities of stakeholders in the process of granting state recognition and rights to Birangonas.

Key Findings

Various Activities for Birangonas

Government Initiatives

- Issuing gazette and offering honour
- Providing monthly allowance in the general freedom fighter category (at present a monthly allowance of BDT 20,000 is allocated; all types of allowances are paid through bank account)
- Providing festival allowance, victory day allowance and Bengali New Year allowance
- Providing housing facility under 'Bir Nibash' project in case of insolvency

- Awarding various honourable recognitions and providing state honours on the death of the Birangona

Graph 1: The process of issuing gazette and obtaining other benefits

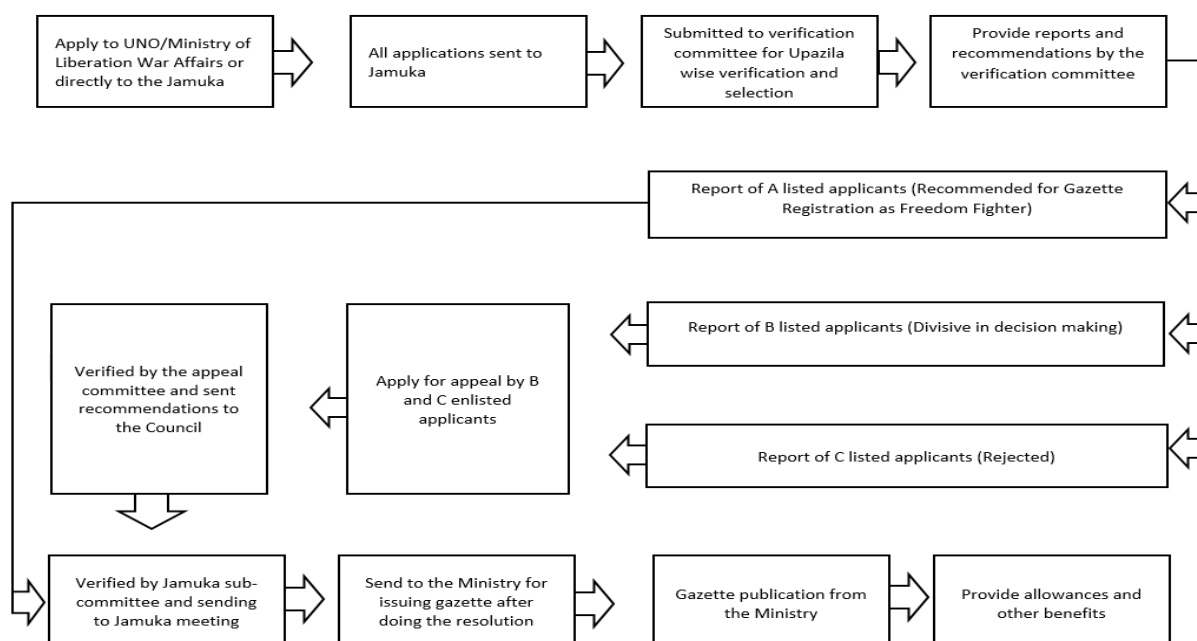


Table 1: The Distribution of Birangonas in the Country according to the Gazette

SL	Division	# of Gazetted Birangonas	Only one gazetted Birangona (district)	No gazetted Birangona (district)
1	Chittagong	30	Feni, Khagrachhari, Noakhali	Chandpur, Cox's Bazar, Bandarban
2	Rajshahi	107	-	-
3	Khulna	50	-	Meherpur, Magura
4	Barisal	43	Bhola	-
5	Sylhet	53	-	-
6	Dhaka	53	Munshiganj, Narayanganj	Manikganj, Rajbari
7	Rangpur	61	Nilphamari	Panchagarh
8	Mymensingh	51	Netrokona	-
	Total	448	-	-

Non-Government/Private Initiatives

- At the institutional level, certain organizations have different activities.
- At the individual level, the role of local individuals, activists, journalists, freedom fighters and social workers is significant.
- Major activities at the private level:
 - Finding Birangonas; Providing counselling to the Birangonas and their families about the rights of Birangona; Assist in the process of the gazette.
 - Creating social awareness to highlight the status of Birangona in the media and ensure their rights.
 - Providing short-term allowances, medical care, and accommodation for Birangonas.

Challenges in the Process of Gaining State Recognition and Rights

Rule of Law

Lack of clear timeline for the clearance of application

- There is no clear timeline for the completion of the gazette issuing process. This process often takes more than 3 years to complete.
- Sometimes it takes 3-6 months or more to receive the allowance after issuing the gazette.
- Sometimes it takes a long time to get the house of 'Bir Nibash' (some have not yet been allocated the house although 6 years have passed since the submission of application).

"It is uncertain how much time would be needed to issue the gazette. Some may take 3 months and some others may take 3 years. It depends on how much time is required to complete the process."

-Interview of a concerned government official

"It took a long time. At one stage I thought I could not take it anymore. People used to poke more and more and said, 'Where are your fathers and mothers? The Punjabis are gone; you are going to get their rent. Why you don't get it yet?' It was difficult to live."

- Interview with a Birangona

The complexity of the verification/screening process

- Certificates that need to be displayed for the verification process often complicate the process:
 - In particular, there is a huge gap between the actual age and the age written on the national identity card.
 - In certain cases, collection of certificates from freedom fighter commanders is challenging.

The challenge of getting housing facilities

- Requirement to own a certain amount of land for getting housing facilities. To get a house under the 'Bir Nibash' program, the applicant must have a minimum length of 39 feet and a width of 29 feet of land, which is a challenge for landless Birangonas.

"I do not have my own land. I live in a place of *khas* land. The government will not give the house here. If I want to get a house, I have to buy land first..."

- Interview with a Birangona

Efficiency and Effectiveness

Lack of planning and initiative

- Officially, there is no provision for locating or identifying Birangonas at the central or local level.
- Although notification of gazette registration is announced but due to lack of specific strategic plan it does not reach the real beneficiaries.
- Many are not getting the information in time as the information of the allotted services for the freedom fighters has not been disseminated in a planned manner at the local level.

Lack of Manpower

- At the Upazila level, there is no special position for facilitating or moderating the process of gazette registration of Birangonas or freedom fighters.
- National Freedom Fighter Council (*Jamuka*) does not have the manpower to assist in filling up the application form.
- In most cases the volunteers have to do all the required work of gazetting process on behalf of Birangonas.

"We are not getting any assistance from there (Upazila Office). Just told us to do the things. We do not have anyone to help. How could we do that? Besides, we do not understand much. So, we have to ask the volunteer. He is an individual. He provides us with information."

- Interview with a Birangona

Lack of up-to-date and accurate information

- The number of Birangonas' gazette is not up-to-date in the MIS of the Ministry of Liberation War Affairs.
- There are many mistakes in the names and addresses of the Birangonas in the Gazette.
- The website of the Ministry of Liberation War Affairs and MIS has different information for the same person. For instance, the name of the same person is differently documented in the website of the Ministry of Liberation War Affairs and MIS with different spellings, different father / husband's name, surname and even different names. Such misinformation leads to complications in getting further benefits.
- There are various types of mistakes in the names of 89 Birangonas (19.87%).
- There are various types of mistakes in case of father / husband's name of 207 Birangonas (46.21%).
- No information has been given about the number of applications currently being in process for Gazette finalization.

"Although they are repeatedly asked for information to update MIS at the Upazila level, they do not provide it properly. Many have incorrect information on NID cards. They think it's a hassle to fix it. So the information cannot be updated."

-Interview with a concerned government official

"While applying, it was seen that someone had done it on their behalf, then the name and address were given wrong, that is what was published in the Gazette. Now it created complications. She can't apply for a house because her father's address was given as her address. Now there is nothing to do until it is changed."

- Interview with an informant working for Birangona

Participation

Identification of Birangonas

- Volunteers faced challenges to locate the Birangonas due to the lack of official or area-based lists and the non-cooperation of their families, including the Birangona.
- Finding of Birangonas has been hampered by the people known as 'anti-independence' (Razakars).

"The first challenge we faced was finding them. One thing I want to tell you is that the most difficult thing is to find the one who is hiding own self".

- Interview with an informant working for Birangona

"I was humiliated by their sons and daughters. I was chased with the dagger, why should I go there? We are chased by the Razakars, why do we go to their house? ... About 15 people between the ages of 8 and 80 were raped here. Only three admitted."

- Interview with an informant working for Birangona

Non-cooperation in Certification

- Initially, in some cases at the local level some freedom fighters did not cooperate to certify the Birangonas. In particular, they had objection about the title of freedom fighter given to Birangonas.
- In some cases, local people / neighbours did not cooperate for certification.
- Lack of cooperative behaviour on the part of local people's representatives also notable.

"Attitude towards Birangonas is not good in our country. It is doubtful whether the Freedom Fighter Commander who supposed to certify the Birangonas is a real commander. Sometimes, looking at the age of many of them it is difficult to understand how they fought during the war. A commander once said about a Birangona, 'She is not a good woman ...'. Then I had to say, 'You can't say that. You have to consider under what circumstances this happened to her. She did nothing on purpose'. After saying this, he was a little embarrassed."

- Interview with an informant working for Birangona

Lack of communication

- There is lack of direct communication of Birangonas with local authorities.
- Most of the time, Birangonas have to get information through the volunteers on any new benefit is allotted for the freedom fighters.
- If any application is made, the Birangonas have to take the support of the volunteers to know about its update.

Irregularities and Corruption

Irregularities and Corruption in the Process of Gazette Notification

- There are allegations of extortion during the certification process.
- There are complaints of demanding money in return for completing the application process.
- Due to the complicated process of gazette notification and lack of administrative support, Birangonas often become victims of irregularities and corruption.

"If you want to work, you have to pay some money, it has to be... what more can I say..."

- Interview with a Birangona

Irregularities and corruption in getting a house under Bir Nibash

- There are allegations of demanding bribe by some parties to ensure housing facilities.
- There are allegations against members of the *Muktijoddha Sangsad* in several places.
- There are allegations that insolvent Birangonas are not given priority in the housing application.

"They asked to pay some money to get a house. The government will give a house worth a few lakhs taka, for that we have to pay some money to them. They want one lakh taka. Otherwise, the house will not be allotted."

- Interview with a Birangona

Women who are not Birangonas being Gazetted

- Women who are not Birangonas are gazetted on the basis of false evidence and documents.

"It is now heard in the newspapers that even the controversial people have been gazetted. In fact, there is no way for the committee to disagree with the way they come with the documents and witnesses. Now we are not even of this generation of liberation war. We have to do it on the basis of testimony, and we have to do it on the basis of documents... In this case, there was probably nothing to do."

- Interview with a Government Officials

Accountability

Lack of Irregularities and Corruption Control and Supervision System

- Despite being a victim of irregularities in the various stages of gazette notification and access to housing benefits, they abstained from making allegations of corruption to avoid further complications.
- There is a system of punishment if allegations prove right, but there is no specific system to identify irregularities.

"The whole process of enlisting heroines is complex and time-consuming. Many people have to pay money in one way or another. They also give. But they don't talk about it. There are various complications. They don't want any new problems with it. Many people are afraid that it might be cancelled in the end. They give as much as possible."

- Interview with an informant working for Birangona

"I have not heard of any such complaint. So far no one made any complaint. However, if anyone complains, we will definitely take action."

- Interview with a Government Officials

Sensitivity

Lack of Sensitivity of the Concerned Stakeholders

- There is a negative attitude towards Birangonas in the socio-cultural sphere.

- The Birangonas and their family members are hesitant to reveal the identity of the Birangona.
- Birangonas deny to share their experiences of torture and identities, often insulting the volunteers and driving them away.
- Being forced to withdraw even after submitting the application for gazette registration under the pressure of family and society.

Lack of Sensitivity in the Process of Gaining Recognition

- Birangonas are hesitant to describe the incident in front of the verification-selection committee; they often forget old memories due to old age or lack of mental stability.
- No step has been taken to get the Birangonas, their families and above all the common people out from the negative attitudes created due to the socio-cultural context.

Problems with Recognition and Access of Facilities

- Birangonas are being harassed by the family and society even after receiving recognition.
- There is a kind of hesitation among the Birangonas as the incidents of torture are revealed along with the recognition; many use some tricks to avoid this issue.
- Getting pressure from the children to share allowance money.

Overall Observation

- After almost four decades of the liberation war, Birangonas got state recognition and facilities as freedom fighters. It is a commendable step from the government although it is too late.
- There are deficiencies in various indicators of good governance in the whole process – there is lack of planning, lack of institutional capacity, structural complexity, opportunities for irregularities and corruption, and lack of accountability and sensitivity.
- Due to the socio-cultural position at the local level, Birangonas are still marginalized due to lack of social awareness and sensitivity.
- Although there are a good number of non-government and women's organizations and media dealing with the issue of Birangonas, working for Birangonas is rather limited compared to any other activities on women's issues.
- The whole process of getting state recognition and gaining facilities for Birangonas is based on the conventional bureaucratic system – the whole process is often uncomfortable and complicated for the Birangonas as the sensitivity of this issue is not considered properly.

Recommendations

1. Specific framework needs to be developed to identify the Birangona. At the Upazila level a committee can be formed with the eyewitnesses of the liberation war and the young generation of citizens where the young generation with the help of the older generation will find the Birangonas at the local level and provide overall assistance.
2. At the local level, the Ministry of Liberation War should assign a specific person to assist in the process of providing all the facilities starting from application process to gazette notification. Information on the gazette notification and other benefits should reach the beneficiaries through the person in charge at the local / Upazila level.
3. The process of receiving allowances and other benefits from the time of application for gazetted registration should be completed within a specified number of days, and the entire process should be completed within the stipulated time.
4. If the application is found valid after checking, the process of interviewing the Birangonas should be dropped.
5. The accuracy of the information in the Gazette must be ensured and special steps need to be taken to correct age-related errors, especially in the National Identity Card, to avoid further complexity.
6. In order to get the housing facility, the pre-condition of owning a certain amount of land has to be cancelled, and need to ensure that housing will be allotted to the insolvent and landless Birangonas on a priority basis.

7. For the respectable position of Birangonas in society, their contribution should be included in the textbooks. The role of Birangonas should be considered more seriously by the organisations working for women and liberation war and the contribution of Birangonas should be highlighted more in the media.
8. Birangonas should be involved in various government programmes during Independence Day and Victory Day.
9. Awareness measures need to be taken for the social recognition of the Birangonas so that the Birangonas get motivated to come forward for the respect they deserve.
10. An effective accountability framework needs to be created for the whole process and the administration needs to pay special attention to irregularities and corruption.
