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**Human Rights Committee**

**Concluding observations on the initial report of Bangladesh**

Addendum

**Information received from Bangladesh on follow-up to the  
concluding observations\***

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\* The present document is being issued without formal editing.



## **Interim Response from the Government of the People's Republic of Bangladesh on Recommendations 14, 20 and 22 of Concluding Observations of the Human Rights Committee Regarding Bangladesh's Initial Report on ICCPR**

### **Recommendation 14**

**“The State party should take immediate measures to sharply reduce early marriage and prevent dowry practices, including through the implementation of legislation preventing early marriage and dowry practices, by carrying out campaigns to publicize the legislation outlawing such practices and by informing girls, their parents and community leaders of the harmful effects of early marriage. The State party should amend the child marriage restraint bill to maintain the legal minimum age of marriage for girls at 18 years, in accordance with international norms, without any exceptions”.**

1. Reducing child marriage is a priority issue for the Government of Bangladesh. The Government is sincerely working to reduce the early marriage of girls by addressing, among others, the socio-economic factors and deep-rooted cultural norms contributing to the practice. It has set the target of bringing down the number of marriages of girls aged between 15 and 18 years by one third by 2021 and eliminate child marriage by 2041.

2. The Government has already taken various steps to achieve the target. The Child Marriage Restraint Act, 2017 has created the provision of formation of child marriage prevention committees in national, district, upazila and union levels with government officials, local public representatives, non-government officials and civil society representatives. A national hotline (109) has been introduced to help victims reach the authorities. Corroborating child marriage has been made an offense punishable under the Child Marriage Restraint Act. The parents and legal guardians, as well as marriage registrars, have been brought under legal provisions for preventing child marriage. The Government has formulated the Child Marriage Restraint Rules 2018 to implement the Act effectively. Besides, a National Action Plan to end Child Marriage (2018–2030) has been formulated based on recommendations at national, regional, and local level consultations.

3. The Government is also making sincere efforts to combat the social menace of dowry, which is sustained by deeply ingrained social norms, cultural values, stereotyped mindset, and traditional practices among the communities. Mindful that legislative actions alone cannot adequately solve the dowry problems, the Government has undertaken various awareness-raising programs against dowry practices, including through campaigns in print, electronic and social media. The Government has also concentrated efforts to educate and empower women through various targeted incentive programs such as free education for girls up to higher secondary education, cash for attending classes, etc. Besides, the Government has enacted legislation (such as the Domestic Violence Prevention and Protection Act, 2010) to prevent violence against women. Also, a National Action Plan to Prevent Violence Against Women and Children (2013-2025) has been formulated which included six major field for women and children i.e., (i) legal arrangement and legal facilities; (ii) social awareness and mental transformation; (iii) socio economic advancement of women and children; (iv) protective services for violence against women and children; (v) prevention and rehabilitation; (vi) institutional measures and strategies for implementing the national action plan. The Plan is currently under implementation. Also, Committees on Prevention of Violence against Women and Children have been formed at district, upazila and union level. There are various support systems and services under the Multi-Sectoral Programme on Violence Against Women (MSPVAW) of the Ministry of Women and Children Affairs, which have been implemented.

4. The Government has taken the following measures to raise awareness among the various stakeholders about the harmful effects of child marriage, dowry practices, and other related issues:

- Child Marriage Prevention Day is being observed during the Child Rights Weeks in September every year Since 2014.

- Ministry of Women and Children Affairs formed adolescent clubs in 4883 unions and pourashava to bring positive changes in the society. In each club, there are 20 girls and 10 boys aged between 11 and 17 who meet twice a week for sharing social issues including child marriage, dowry, violence against women and children, trafficking, and drop out of the schools.
- Ministry of Women and Children Affairs and UNICEF jointly launched a National Multimedia Campaign for Ending Child Marriage on 31 July 2017. The campaign theme is ‘Raise the Beat’ which is a symbol of garnering attention and voicing protection to end child marriage. The campaign suggests a beat or rhythm for everyone to rally around to raise their voices and report any incidents of child marriage. This campaign received a global award.
- A National Helpline Center for Violence Against Women and Children has been established (toll-free number 109 for 24 hours 7 days a week) to prevent violence against women and children and, in particular, child marriage. A total of 3705 child marriage has been stopped through the Helpline 109.

## Recommendation 20

### **The State party should: (a) Take immediate measures to protect the right to life of all persons;**

5. The constitution of Bangladesh provides for the rights to life and personal liberty. Keeping the constitutional obligation in mind, the Government is committed to protecting all citizens by maintaining law and order and ensuring the safety and security of all so that they can enjoy their lives to the fullest extent.

6. To ensure a safe environment for stable and peaceful living, the law enforcement agencies of Bangladesh occasionally conduct special operations to counter terrorist activity, drugs, and illegal firearms. Our security agencies are professionally trained, and under no circumstances, they willfully commit or condone arbitrary or unlawful killings.

### **(b) Revise its legislation to limit the use of force by law enforcement officials, the military and special forces, incorporating international standards, including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and ensure accountability for violations;**

7. The security forces of Bangladesh encompassing the national Police, border guards, and counterterrorism units such as the Rapid Action Battalion (RAB) maintain internal and border security. The military, primarily the army, is responsible for national defense but also has some domestic security responsibilities undertaken in aid of and upon request from the civil administration. Civilian authorities maintain effective control over the security forces. The use of force by security agencies is regulated by law, and excessive or unjust use of force is punishable under relevant Acts regulating the security services. As professional forces, Bangladesh security agencies maintain the highest professional standard in carrying out their responsibilities and have earned international accolades for professional conduct as united nations peacekeepers.

8. According to police policy, all significant uses of force by Police, including actions that result in serious physical injury or death, trigger an automatic internal investigation, usually by a professional standards unit that reports directly to the Inspector General of Police. The Government thoroughly investigates all allegations concerning excessive use of force by security agencies. Those found guilty are awarded punishments as provided for in the relevant legislation guiding the security forces such as the Police Officers (Special Provisions) Ordinance-1976, Police Regulations Bengal-1943, and the Government Servants (Discipline and Appeal) Rules- 1985.

**(c) Effectively criminalize enforced disappearance; (d) Investigate all cases of arbitrary killings, enforced disappearances and excessive use of force, prosecute and punish convicted perpetrators with appropriate sanctions and provide full reparation to the victims. In cases of disappearances, the State party should establish the truth about the fate and whereabouts of victims and ensure that victims of enforced disappearance and their relatives are informed about the outcome of investigations; (e) Provide in its next periodic report information on:**

- (i) The number of investigations conducted;**
- (ii) Convictions secured;**
- (iii) Disaggregated information on penalties that have been imposed on perpetrators.**

#### *Enforced Disappearance*

9. According to the Code of Criminal Procedure of Bangladesh, kidnapping/abduction is a cognizable offense. Any aggrieved citizen can lodge a case of abduction/kidnapping in a police station, which then conducts an investigation and submits reports to the Court if the aggrieved seek a legal remedy.

10. Although not explicitly covered in Bangladesh's penal code, 'Enforced Disappearance' is covered under the laws of 'abduction' and 'kidnapping'.

11. The Government remains committed to rescuing or tracing any individual who is reportedly missing or unaccounted for with the help of security agencies or their families and friends. However, it has been found that some cases of missing or kidnapping, labeled as enforced disappearances, are politically motivated to discredit the Government.

12. In many cases, the 'perceived' victims have reappeared, proving the allegations of the so-called 'enforced disappearance' false. For example, the BNP leader Salauddin Ahmed reappeared inside the Indian Territory many years after his family had claimed law enforcement agencies had abducted him. Same allegations of enforced disappearances in some recent cases involving Mr. Humman Quader Chowdhury, Mr. Mubashwir Hasan, Journalist Mr. Utpal Das, Mr. Banker Shamim Ahmed, and Journalist Farhad Mazher have turned out to be staged and politically motivated.

13. The Government has an unequivocal no-impunity stance on the involvement of the law enforcement agencies in kidnappings or abductions. Disciplinary measures are taken if any member is found anyhow involved in incidences giving rise to criminal liability. Any person aggrieved by police actions is entitled to have recourse to courts of law. There are numerous examples where legal and administrative measures have been taken against the law enforcement agencies convicted of breach of discipline and other forms of transgressions. The Supreme Court in a Writ Petition (No. 2833/2017) has recently directed the Inspector General of Police to take necessary action against 03 police officers of Satkhira district for their negligence in dealing with a missing person incident back in 2016. Also, in a case, 27 RAB officials, including 03 top officials, were prosecuted, and some awarded capital punishment for their involvement in the abduction and murder of seven individuals in Narayanganj.

#### *Extrajudicial Killings*

14. The Government maintains a 'zero tolerance' policy to any form of extrajudicial activities by law enforcement agencies. The Police strictly follow their respective Codes of Conduct and Rules of Engagement. The use of firearms during the regular operations is permitted only as the last means of protection of public life and property and to exercise the right of self-defense, as per the provisions of the Penal Code (PC), 1860.

15. Every incident of disproportionate use of force or exchange of fire by Police, even if it occurs in the course of authorized duty, is investigated by competent authorities. Under Article 157 of Police Regulations of Bengal, whenever the Police use firearms, a full and independent executive inquiry as to whether the firing was justified and whether the relevant regulations were obeyed is conducted as soon as possible by a superior officer. The police officer whose conduct is at issue shall be allowed to examine and cross-examine witnesses and to make statements orally or in writing. The report of the inquiry is

forwarded to the Government with a copy to the Inspector General. Administrative measures or legal actions follow based on the report. Besides, the accused members of the LEA also face appropriate legal actions before the Court of law. For example, in Narayanganj 7-Murder Cases, the trial court sentenced 26 accused persons, including 16 RAB members, to death. Another 9 charged RAB members received imprisonment in different terms. The Government continues to work towards further capacity building of the law enforcement agencies

## **Recommendation 22:**

**The State party should put an end to the practice of torture and ill-treatment. It should enforce the Torture and Custodial Death (Prevention) Act, 2013, and ensure that no immunity provisions in other laws supersede the protections in this Act. The State party should establish an independent complaint mechanism with the authority to investigate all reported allegations of, and complaints about, torture and ill-treatment. It should further ensure that alleged perpetrators of those crimes are prosecuted and that the victims are provided with full reparation.**

16. Article 35 (5) of the Constitution of Bangladesh provides for the protection of any persons against torture or cruel, inhuman, or degrading punishment or treatment as a fundamental right. In addition to the specific provision for protection in respect of trial and punishment, respect to human rights and dignity of a person is protected through Part II and Part III of the constitution. Article 26 of the Constitution provides that any law inconsistent with fundamental rights shall, to the extent of its inconsistency, become void. In addition to the Constitution, Acts of Parliament, executive decisions/enactments, decisions of the Supreme Court, and policy measures constitute the domestic legal regime concerning the prevention and punishment of torture.

17. The Government of Bangladesh has enacted the Torture and Custodial Death (Prevention) Act, 2013, with the specific objective to give effect to the provisions of the United Nations Convention Against Torture. Under this Act, any person convicted of torture shall be punished with rigorous imprisonment for a term not less than five years and fine. In the event of death caused by torture, the punishment would be rigorous imprisonment for life and a fine. The Act allows a victim to file a complaint directly to the Police (not below the rank of Superintendent of Police) or a Court. The Act lays procedures for the protection of complainants and witnesses. Under this Act, a victim of torture (or his/her family) is also entitled to compensation. In addition to this Act, Penal Code 1860, The Police Regulation of Bengal, 1860, Police Act 1861 and the Prevention of Cruelty to Women and Children Act 2000 penalizes torture and other related offense in the custody of Police with punishment in various terms. According to the law, confessions to police-officers or made in police custody are also not legally recognized as evidence. Also, no immunity provisions in other laws supersede the protections for the victims ensured in the Torture and Custodial Death (Prevention) Act, 2013.

18. The Government, under the leadership of Prime Minister Sheikh Hasina, maintains a 'zero tolerance' policy concerning criminal liabilities of the members of the Law Enforcing Agencies. The law generally neither accords immunity to the members of Police from criminal prosecution nor makes any discrimination in their favor. Hence rigorous departmental, as well as legal action, is taken against offenders if proven guilty. For example, in the much-discussed 'Narayanganj 7-Murder Case', the trial court sentenced 26 accused persons, including 16 RAB members, to death. Another 9 accused RAB members received imprisonment of different terms. Also, in a verdict delivered in 2015, Md. Helal Uddin, Officer in Charge of Khilgaon Police Station, was sentenced to three years of imprisonment for torturing a Dhaka University student in police custody.

19. The Torture and Custodial Death (Prevention) Act, 2013 provides that a victim of torture, without any prior approval, has the right to lodge a complaint with a competent court about any purported act of torture. After receiving such a complaint, the competent Court will record the complainant's statement. The Court, thereafter, will direct the concerned Superintendent of Police or any other superior police officer to register a complaint of torture. If any person other than the victim of torture apprises any competent court of any incident of the commission of torture to a third person, the Court may issue

order ensuring safety and security of such person. The Court, considering the merit of the case, may inspect the place where the incident of torture is alleged to have occurred. Besides, any person other than the victim of torture may lodge a complaint about torture with a Court of Sessions or a police officer not below the rank of the Superintendent of Police under section 7 of the afore-said Act. If any complaint about torture is lodged with such police officer, the concerned officer will submit a report to the appropriate Court of Session within 24 hours. Section 11 of the Torture and Custodial Death (Prevention) Act, 2013 provides that a complainant may apply to a Court of Sessions for protection against a person accused of committing torture. The Court may order detention of the person against whom such complaint has been made for a period of not less than 7 days and may also make such order as prohibiting his or her entry into a particular area for ensuring the safety of the person who has petitioned the Court seeking protection.

20. A total of 17 cases have been filed against law and order agencies members in the years 2013 to 2017 under the Torture and Custodial Death (Prevention) Act, 2013. During 2013-2017, criminal charges have been brought against 258 members of the LEAs and 33 LEA members were convicted in trial.

21. In the last 15 years, 3526 officials were prosecuted for various offenses, where 2511 persons were convicted with minor punishment, and 1015 with major punishment. Only in 2017, total of 856 persons were handed down the punishment, among which 177 received major punishment.

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