



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the initial report of Bangladesh*

Constitutional and legal framework within which the Covenant is implemented, right to an effective remedy (art. 2)

1. Bearing in mind that the provisions of the Covenant are not automatically incorporated, and with respect to the list of laws that give effect to the provisions of the Covenant, please clarify whether the provisions of the Covenant are directly applicable by domestic courts and to what extent they are invoked and applied in practice. If not, please indicate whether the State party intends to enact a specific statute to this effect (see CCPR/C/BGD/1, paras. 8-9 and 17-18). Please also indicate measures taken and procedures used to ensure compatibility between the existing and draft national laws and the Covenant. Please provide further information on the availability and accessibility of remedies for individuals claiming a violation of the rights contained in the Covenant and in the Constitution (*ibid.*, paras. 15 and 20-21).

Counter-terrorism measures and respect for Covenant guarantees (arts. 2, 7, 9, 10 and 14)

2. Please provide updated information on counter-terrorism laws, in particular the Special Powers Act, 1974 and the Anti-Terrorism Act, 2009, and further explain their compatibility with the Covenant, including the definition of terrorism contained therein. Please provide information on cases in which they constituted the legal ground for prosecution.

Non-discrimination and equality between men and women (arts. 2, 3 and 26)

3. Please provide information on the measures taken in law and in practice to ensure protection against discrimination on all grounds and in particular discrimination against women and people of a religion other than Islam in personal laws based on religion, as well as measures taken to put an end to the perpetuation of the *de facto* caste system and ensure that people from so-called lower castes, religious and linguistic minorities, as well as indigenous people, are not suffering from human rights violations in a disproportionate manner. Please indicate what provisions and policies there are to ensure that persons with disabilities enjoy legal capacity on an equal basis with others.

4. Please provide information on the measures taken to implement the legal prohibition of harmful traditional practices such as early marriage of girls and dowry practice, which

* Adopted by the Committee at its 116th session (7-31 March 2016).



are both prevalent in the country, and in particular initiatives to change the social perception of early marriage (see CCPR/C/BGD/1, para. 49). Please respond to the allegation that the Government is currently taking steps to decrease the minimum age of marriage from 18 to 16 years. Please clarify the status under domestic law of same-sex relationships between consenting adults and about the possibility in law to terminate a pregnancy with the consent of the woman (*ibid.*, para. 46).

Right to life (art. 6)

5. Please respond to allegations that in the past few years many persons have been arbitrarily or unlawfully killed or disappeared by police officers or soldiers, in particular members of the Rapid Action Battalion, during raids, arrests and other law enforcement operations, and that Battalion members enjoy legal impunity under the Armed Police Battalion Act. Please provide information on the investigation of the death of around 100 persons in the context of the elections of January 2014, allegedly killed as a result of excessive force by the police and violence between groups of demonstrators. Please provide information about the investigation into violent attacks, including arson attacks, in the context of an anti-government campaign in 2015. In this context, please respond also to allegations of excessive use of force, arbitrary arrests and enforced disappearances by government security forces. Please provide information about the Government's efforts to end such cycles of violence.

6. Please provide information on measures taken to protect the life of journalists and bloggers who receive death threats, in particular the 84 bloggers listed by extremist groups as anti-Islamic and blasphemous, several of whom were recently hacked to death, including Ahmed Rajib in February 2013, Haider Avijit Roy in February 2015, Washiqur Rahman Babu in March 2015, Ananta Bijoy Das on 12 May 2015, Niladri Chakrabarti in August 2015 and Faisal Abedin Deepan in October 2015. Please provide information on the status of the criminal investigations into these murders as well as on the allegations that some of these bloggers were denied protection by the police when they reported the death threats to the authorities.

7. Please provide data on cases where the death sentence was sought or imposed in connection with petty offences or offences listed in the Special Powers Act, 1974, the Emergency Powers Act, 1975, the Martial Law Regulations, 1975, the Suppression of Terrorist Offences Act, 1992, the Official Secrets Act, 1923 and the Intoxicant Control Act, 1990. Please also provide information on the scope of these offences (see CCPR/C/BGD/1, para. 62). Please clarify whether a *de jure* or *de facto* moratorium on the death penalty is being considered (*ibid.*, para. 69).

8. Please provide data on the number of deaths and their causes in the State party's prisons and in police custody. Please also provide information on the specific measures that are being taken to prevent deaths in prison and in police custody. What measures have been taken to investigate and, where appropriate, prosecute and punish acts by prison personnel or inter-prisoner violence that have led to deaths in prisons and other detention facilities? Please provide data on the number of prison personnel that have been disciplined or prosecuted for cases relating to deaths in prisons and detention facilities or while in custody.

Prohibition of torture and other cruel, inhuman or degrading treatment; liberty and security of person, treatment of persons deprived of their liberty (arts. 7, 9, and 10)

9. Please respond to allegations that torture and ill-treatment of individuals by law enforcement and military personnel are a widespread phenomenon, especially at the moment of arrest, and that they are mostly used to extract confessions. To that end, provide information on: (a) the investigations and number of complaints of torture or ill-treatment against the police, military and other officials received in accordance with the Torture and

Custodial Death (Prevention) Act, 2013; (b) the type of charges brought against law enforcement officers; (c) the number of cases dismissed and the reasons for their dismissal; (d) the number of officials disciplined and sanctioned and the penalty imposed; (e) concrete measures taken for the rehabilitation and compensation of the victims of torture or ill-treatment; and (f) training in human rights for the police, military and other officials (see CCPR/C/BGD/1, paras. 73-81).

10. Please provide updated disaggregated data on the penitentiary population of the State party and data on the official capacity of each establishment and the sanitary equipment available for each detainee (see CCPR/C/BGD/1, paras. 113-128). Please respond to allegations that, contrary to the information contained in the State party report, the prisons are overcrowded, sanitary conditions are extremely poor, detainees are not segregated according to their category (juveniles and pretrial detainees) and the inmates and their relatives are extorted by prison guards to be able to enjoy their basic rights. What are the mechanisms in place to monitor and investigate complaints about the conduct of prison and police officials and the conditions of detention? Please provide further information on efforts made to address the high number of excessive pretrial detentions. What alternative forms of sentencing has the State party implemented to foster prison decongestion?

11. Please provide information on the extent of the problem of domestic violence and sexual violence in general, including acid attacks and sexual harassment, and on the measures put in place, in law and in practice, to prevent them and ensure that all cases are effectively investigated and perpetrators prosecuted and sanctioned. In addition, please provide information on: (a) the number of complaints received; (b) investigations carried out; (c) the types of penalties imposed; and (d) compensation awarded to the victims. Furthermore, please provide information on any other step taken to combat and prevent domestic and gender-based violence (see CCPR/C/BGD/1, paras. 47-48 and 85).

Elimination of slavery and servitude (art. 8)

12. Please provide updated information on: (a) the steps taken in practice to prevent and combat trafficking in human beings, clarify if there is a project to abolish the high recruitment fees imposed legally by recruitment agencies belonging to the Bangladesh Association of International Recruiting Agencies that put workers at high risk of debt and bonded labour abroad; (b) the main grounds for the numerous acquittals in cases of human trafficking (see CCPR/C/BGD/1, para. 94); (c) any training programmes for professionals involved in implementing the State party's measures against trafficking, in particular regarding the identification of trafficked victims, including the police, the judiciary, members of the prosecution authorities and social workers; and (d) the programmes established to assist victims of trafficking or to raise awareness about this issue under the Prevention and Suppression of Human Trafficking Act, 2012 (*ibid.*, para. 96).

13. Please provide information on the measures taken to investigate allegations of official complicity in human trafficking of politicians, police and border officials, in particular at the border with India.

14. Please explain the measures that are being taken to eliminate forced and bonded labour as well as the worst forms of child labour, that are reportedly prevalent in the State party in spite of the existing legal framework, particularly in the agricultural sector, the shrimp and dried fish industry, the construction sector, brick factories and tanneries. In this context, please provide information on investigation and prosecution of complaints relating to forced and bonded labour or the worst forms of child labour (see CCPR/C/BGD/1, paras. 86-87).

Independence of the judiciary and right to a fair trial, the right to life (arts. 14 and 6)

15. Please provide further information on the special rules relating to preventive detention and the possible grounds for such detention, which is differentiated from pretrial

detention, and clarify what is the maximum time that a person may be detained under the Special Powers Act, 1974 (see CCPR/C/BGD/1, para. 105).

16. Please provide information on the measures taken to ensure the right to a fair trial of the accused in mass trials, such as the one that resulted in the conviction on 5 November 2013 of 152 former members of the Bangladesh Rifles Border guards to the death penalty and 411 to various prison terms for their involvement in the 2009 mutiny, and that the proceedings before the International Crimes Tribunal as well as mobile courts and other special courts are in compliance with international standards. Please provide information on measures taken in law and in practice to ensure that *shalish* decisions do not constitute extrajudicial punishment for antisocial and immoral behaviour.

17. Please provide data on the cases in which the President has granted pardon, reprieve and respite or those cases remitted, suspended or commuted, including in case of a death sentence (see CCPR/C/BGD/1, para. 68).

Freedom of religion, opinion and expression, and freedom of association (arts. 18, 19 and 22)

18. Please reply to allegations that many journalists and in particular secular and atheist bloggers, journalists, publishers and editors as well as human rights defenders are subject to intimidation, arrest and harassment from extremist groups, or sometimes by the authorities themselves, and are denied protection by the authorities. Provide data on cases prosecuted under the offences of “blasphemy” and insult to religion under the Penal Code (sects. 295A and 298) and the Information and Communication Technology Act, 2006 (sect. 57). Please provide information on alleged frequent incidents of land grabbing, intimidation, extortion against ethnic and religious minorities and attacks on places of worship, in particular during Durja Puja, a Hindu festival.

19. Please respond to allegations that non-governmental organizations (NGOs) and civil society representatives have been intimidated and harassed by the authorities. Please clarify the status of the draft law on NGOs, that was due for consideration by the Parliament during its November 2015 session, and that would prevent NGOs from working by unduly restricting their access to foreign funding.

20. Please respond to allegations that, as a result of excessive requirements and complicated procedures provided by the law as well as intimidation and threats from employers, workers, in particular in garment factories, cannot fully exercise their right to form trade unions, which could be helpful to improve their working conditions, in particular regarding safety and health, and prevent serious incidents such as the collapse of the Rana Plaza building on 24 April 2013.

Right of the child (art. 24)

21. Please provide information on measures taken to ensure the full implementation of the Children’s Act, 2013, in particular to guarantee the systematic registration of births in rural areas. Please explain how the 2014 draft citizen bill that provides that only persons born in Bangladesh and both of whose parents are Bangladeshi nationals can gain citizenship at birth is in compliance with the Covenant’s provisions on the right of the child to acquire a nationality. Please respond to the allegations that the Government refuses to register Rohingya children who have fled from Myanmar and provide them with birth certificates.

Right to participate in public life (arts. 25 and 26)

22. Please provide information on measures taken to ensure that citizens may fully exercise their right to participate in public life and vote in free and fair elections by preventing the reoccurrence of the violence that prevailed during the January 2014

elections. Please provide further information on the regulation of the registration of political parties and its compatibility with the Covenant, and in particular the cancellation of the registration of Jamaat-e-Islami ahead of the 2014 January elections.

Rights of minorities and indigenous peoples, freedom of movement, right to privacy and home (arts. 27, 12 and 17)

23. Please clarify the allegations that the Government is planning to relocate the 32,000 registered Rohingyas living in official camps in Cox's Bazar, and if this is the case provide further information on the relocation plan. Please explain the restrictions imposed on international NGOs for access to some districts of Cox's Bazar and the provision of humanitarian assistance to the almost 200,000 non-registered Rohingyas.

24. Please clarify the measures in law and in practice to ensure the full recognition of the rights of indigenous people in accordance with the Covenant and in particular under the fifteenth amendment to the Constitution, which provides that all citizens are Bengalis, and under the Small Ethnic Groups Cultural Institutions Act, 2010, as a result of which only 27 out of more than 50 indigenous ethnic groups were recognized as such.

Dissemination of information relating to the Covenant and its Optional Protocol (art. 2)

25. Please indicate what measures have been taken to disseminate information on the Covenant and its First Optional Protocol, the first periodic report of the State party and its forthcoming examination by the Committee. Please provide detailed information on the involvement of representatives of ethnic and minority groups, civil society, NGOs and the national human rights institution in the preparation of the report.
