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Human Rights Committee**Report on follow-up to the concluding observations of the Human Rights Committee****Addendum****Evaluation of the information on follow-up to the concluding observations on Bangladesh****Concluding observations
(120th session):*

CCPR/C/BGD/CO/1, 22 March 2017

Follow-up paragraphs:

14, 20 and 22

Follow-up replies:

CCPR/C/BGD/CO/1/Add.1, received 19 March 2020, and CCPR/C/BGD/CO/1/Add.2, received 3 August 2020

Committee's evaluation:

Additional information required on paragraphs 14[B][C], 20[C] and 22[C]

Paragraph 14: Early marriage and harmful traditional practices

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.

Summary of State party's reply

In 2018, the State party launched a national action plan to combat early marriage, with the goals of eradicating marriage of girls below the age of 15, reducing by a third by 2021 the number of girls who married under the age of 18, and eliminating early marriage by 2041. The plan also includes the objectives of introducing legal remedies for victims, strengthening social safety net programmes and increasing awareness of the harmful effects of early marriage through community mobilization.

In addition, the State party adopted the Dowry Prohibition Act, 2018, which introduced more stringent measures to prevent dowry practices. It provides that anyone who demands, receives or gives dowry will be punished with one to five years' imprisonment, a fine of up to 50,000 taka, or both. The State party also enacted the Child Marriage Restraint Act, 2017, which

* Adopted by the Committee at its 132nd session (28 June–23 July 2021).

increased the criminal penalties for perpetrators and accomplices of child marriage. It provides that any adult perpetrator of child marriage will be punished with up to two years' imprisonment, a fine of up to 100,000 taka, or both. Similar penalties apply to those who abet or neglect to prevent child marriage. To facilitate the implementation of the Act, the State party adopted the Child Marriage Restraint Rules, 2018, which prescribe the composition, function and authority of child marriage prevention committees at the national, district, subdistrict and local administrative levels.

The Child Marriage Restraint Act, 2017, includes an exception that allows early marriage if it is determined to be in the best interest of the minor. That determination is made by an assessment committee, with the consent of the minor's parents and under the supervision of the Court. The exception is, according to the State party, warranted by the prevailing socioeconomic reality and aims to guarantee the best interests of the child in exceptional cases.

Committee's evaluation

[B]: The Committee welcomes the State party's introduction of a national action plan to reduce and ultimately eradicate early marriage, including through awareness-raising activities. It requests information on the progress achieved pursuant to the goals of the national action plan and on the measures the State party has taken to ensure the plan's effective implementation. It also requests specific information on the State party's efforts to raise awareness of the harmful effects of early marriage, including the content and scope of all awareness-raising activities, details of when they took place, the avenues or methods used, the audience reached and the substantive impact they have had.

The Committee notes the State party's adoption of the Dowry Prohibition Act, 2018 and the Child Marriage Restraint Act, 2017, aiming to prevent dowry practices and early marriage, respectively. It requests additional information on the implementation of these acts, including the number of times they have been invoked during the reporting period and details of any prosecutions, convictions and penalties imposed. The Committee regrets the absence of specific information on campaigns to publicize the legislation outlawing dowry practices and early marriage. It reiterates its recommendation and requests additional information on measures to publicize that legislation, through the national action plan or otherwise.

[C]: The Committee regrets that the Child Marriage Restraint Act, 2017 includes an exception that allows for the marriage of girls under 18 years, and it reiterates its recommendation. It requests information on the minimum age of the child for such an exception to be applied, usage of such an exception, including the number of times it has been used to authorize the marriage of girls under 18 years.

Paragraph 20: Extrajudicial killings and enforced disappearances

The State party should:

- (a) **Take immediate measures to protect the right to life of all persons;**
- (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;**
- (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.**

Summary of State party's reply

(a) The State party notes that the Constitution guarantees the right to life of all persons and that, under the Code of Criminal Procedure, magistrates and police officers are authorized to act to prevent loss of life. In addition, between 2016 and 2019, the State party enacted several sector-specific laws including the Bangladesh Coast Guard Act, 2016; the Civil Aviation Act, 2017; the Narcotics Control Act, 2018; the Digital Security Act, 2018; the Road Transport Act, 2018; and the Communicable Diseases (Prevention, Control and Eradication) Act, 2018. These laws penalize acts or omissions that endanger or result in the loss of human life. Some of them also protect persons in perilous or hazardous situations.

(b) The use of force by law enforcement agencies is limited under existing legislation. Law enforcement officers can employ force only as a last resort and for the protection of life and public property, and may use firearms in a limited number of circumstances. Any incident involving the use or the threat of force by law enforcement officers must be investigated as prescribed by law. A full executive inquiry is conducted by magistrates following any such incident, during which magistrates determine whether the use of force was justified and whether it was in compliance with the relevant regulations. Upon completion of the inquiry, the law enforcement officer or magistrate who conducted the inquiry submits a report to the Government and sends a copy to the Inspector General. Well-established administrative procedures are in place for taking departmental action against law enforcement officers who commit any kind of misconduct. Any aggrieved person may lodge a complaint alleging custodial or non-custodial torture. Existing laws set out comprehensive procedures for taking punitive action against police officers, which can include dismissal, compulsory retirement, demotion, reduction in pay or rank, censure and warning.

(c) The State party indicates that cases of "possible abductions" are often reported as "enforced disappearances" and that "enforced disappearance" is not defined in its penal laws. The Penal Code, 1860 criminalizes the act of kidnapping, and more specifically the act of kidnapping for the purpose of murder. Under the Code of Criminal Procedure, 1898, the act of kidnapping is a cognizable offence.

(d) The State party's existing legal framework requires all incidents of the use of force involving law enforcement officials to be investigated. In the landmark Narayanganj murder case, 27 Rapid Action Battalion members were prosecuted for the enforced disappearance and murder of seven individuals. Fifteen of the Battalion members, including three top officials, were convicted and punished with death sentences.

(e) No information provided.

Committee's evaluation

[C]: (a), (b), (c) and (d)

The Committee takes note of the information regarding the protection of the right to life provided under the State party's existing legal framework, including the recently enacted sector-specific laws. Nevertheless, the Committee regrets that the State party has not provided any information on measures taken during the reporting period to protect the right to life of all persons in the context of extrajudicial killings and enforced disappearances. Therefore, the Committee reiterates its recommendation.

The Committee also takes note of the information on the State party's existing legislation on the use of force, but regrets that no measures have been taken since the adoption of the Committee's concluding observations to revise its legislation to limit the use of force by law enforcement officials, military and special forces, in accordance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. It also regrets the lack of measures taken to ensure accountability for violations. In this regard, the Committee draws the State party's attention to its general comment No. 36 (2019) on the right to life, particularly paragraphs 10 to 17 and 58 and general comment No. 37 (2020) on the right of

peaceful assembly, particularly paragraphs 96 and 98. It requests further information on cases in which the existing legislation on the use of force has been invoked within the reporting period and data on the number of complaints, investigations, prosecutions and convictions there have been in cases of use of force by the police during the reporting period, as well as details of the sanctions imposed and the reparations granted to the victims.

The Committee takes note of the information regarding the criminalization of kidnapping offences. Nevertheless, it regrets that the State party has not provided any information on steps taken to effectively criminalize enforced disappearance.

The Committee takes note of the information provided on the outcome of the Narayanganj murder case, but draws the State party's attention to the fact that the judgment in that case predates the issuance of the concluding observations. It reiterates its recommendation and requests information on measures taken after the adoption of the Committee's concluding observations.

[Not applicable]: (e)

The Committee notes that the information is to be provided in the State party's next periodic report.

Paragraph 22: Torture and ill-treatment

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.

Summary of State party's reply

The State party indicates that the Torture and Custodial Death (Prevention) Act, 2013 came into effect immediately and that it prevails over any contradictory provisions in other laws currently in force, including any indemnity clauses. The National Human Rights Commission, which was established in 2009, is an independent statutory body empowered to receive complaints and investigate members of law enforcement agencies. Based on the findings of its investigations, the Commission can make recommendations to the Government, including that it should initiate legal proceedings. The Commission may also request a report from the Government regarding violations of human rights alleged to have been committed by law enforcement officers.

Committee's evaluation

[C]: The Committee regrets that the State party has not provided information on any steps taken during the reporting period to implement its recommendations and end the practice of torture and ill-treatment. While noting the information provided by the State party regarding the Torture and Custodial Death (Prevention) Act, 2013, the Committee requests additional information on the enforcement of the act, including the number of investigations, prosecutions and convictions that have taken place under it during the reporting period, as well as information on any reparations provided to victims. In addition, while noting the information about the functions and authority of the National Human Rights Commission, the Committee requests additional information on its role as an independent complaint mechanism, including whether it is empowered to directly investigate allegations of human rights violations committed by law enforcement agents. The Committee requests details of the number of complaints the Commission received during the reporting period, how many investigations it conducted and the results of those investigations, including any prosecutions of perpetrators and reparations provided to victims.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.

Next periodic report due: 2024 (country review in 2025, in accordance with the predictable review cycle. See www.ohchr.org/EN/HRBodies/CCPR/Pages/PredictableReviewCycle.aspx).
