



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

Distr.: General
7 August 2019

Original: English

Committee against Torture
Sixty-seventh session

Summary record of the 1769th meeting

Held at the Palais des Nations, Geneva, on Tuesday, 30 July 2019, at 10 a.m.

Chair: Mr. Modvig

Contents

Consideration of reports submitted by States parties under article 19 of the Convention
(*continued*)

Initial report of Bangladesh

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.

GE.19-13008 (E) 020819 070819



Please recycle The recycling symbol, a triangle of arrows forming a circle.



The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention (continued)

Initial report of Bangladesh (document without a symbol in English only)

1. *At the invitation of the Chair, the delegation of Bangladesh took places at the Committee table.*

2. **Mr. Huq** (Bangladesh), introducing his country's initial report, which was available as a document without a symbol, said that his country had had a long history of repression until it had gained independence in 1971. Successive authoritarian governments had further hampered progress in terms of respect for human rights since the assassination of the Father of the Nation, Bangabandhu Sheikh Mujibur Rahman, in 1975. Today, his Government was committed to promoting and protecting the human rights of all Bangladeshis. While his country had been unable to submit its initial report for a long period of time owing to frequent changes in political regime, the current Government had endeavoured to submit all overdue reports to the United Nations human rights treaty bodies since taking office in 2009. The Prime Minister had recently issued directives to prevent violence and torture and to ensure that the police respected human rights and upheld the rule of law. His Government had invited representatives of civil society organizations to take part in consultations for the preparation of the initial report, though not all those invited had been able to attend.

3. The Government provided all kinds of support to women and children who had been victims of violence. Committees for the prevention of violence against women and children had been established at all levels of local government and the Multisectoral Programme on Violence against Women, funded by Denmark, aimed to prevent gender-based violence and provide services to victims. Both the Supreme Court and the Government had issued orders to stop all forms of corporal punishment in educational institutions, and amendments to the Children Act in 2013 had established punitive measures for those who physically punished children.

4. Bangladesh had been a host country for refugees for over 40 years. In 2016, it had welcomed approximately 700,000 Myanmar nationals from Rakhine State who had faced violent persecution by the armed forces of Myanmar. The influx of Rohingya migrants had continued since then, albeit at a slower rate. His Government upheld the principle of non-refoulement, in spite of the resource constraints and challenges, such as environmental issues and social instability, posed by the 1.1 million Rohingya refugees currently living in Bangladesh.

5. His country was party to eight of the core United Nations human rights treaties and had supported the General Assembly resolution mandating the drafting of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1984. Article 35 (5) of the Constitution provided protection against torture and other cruel, inhuman or degrading treatment or punishment, and safeguards against arbitrary and unlawful detention were enshrined in article 33. The Torture and Custodial Death (Prevention) Act of 2013 contained a definition of torture that was in line with the Convention. Procedural safeguards under the Code of Criminal Procedure were designed to afford protection from acts of torture and ill-treatment.

6. The Police Regulation of Bengal contained provisions to protect prisoners from torture and to ensure their safety. Officers responsible for detainees were required to examine all persons upon detention and record a full description of any injuries in a diary. The Code of Conduct for Law Enforcement Officials was rigorously enforced and a number of bodies were responsible for police oversight, including the Parliamentary Standing Committee, the Anti-Corruption Commission and the National Human Rights Commission. Officers found to be responsible for deaths in custody, or for committing acts of torture or ill-treatment, faced disciplinary and legal action. In a recent case, 27 members of the Rapid Action Battalion had been prosecuted – with some receiving the death penalty – for their involvement in the abduction and murder of seven individuals in the Narayanganj District. Between 2013 and 2017, 258 law enforcement officers had faced criminal charges for

torture or ill-treatment, 33 of whom had been convicted. The Internal Inquiry Cell had been set up in January 2012 with assistance from the United States Government to follow up on complaints against officers of the Rapid Action Battalion. The courts had handed down various forms of punishment against 31 officers as a result of the complaints received.

7. In order to maintain a secular and inclusive society, a strict policy was in place to tackle violence against religious and ethnic minority groups. When violence had erupted in Nasirnagar in 2016, the Government had instructed the local authorities to take immediate action to bring the perpetrators to justice. The Government sought to protect civil society and safeguard freedom of expression. In that regard, 12 court cases had been brought in connection with attacks on bloggers. His country's highly active media, which played an important role in bringing cases of torture and oppression to light, were a source of pride and the Government worked to ensure that the media were able to play a constructive role in society.

8. **Ms. Gaer** (Country Rapporteur) said it was regrettable that the first review was taking place more than 20 years after the State party had acceded to the Convention and that, despite having been given nine months' notice of the Committee's intention to review the country's compliance with the Convention in the absence of a report, the State party had submitted its report only one week before the meeting. She would appreciate a clear and detailed explanation as to why there had been such a long delay in the submission of the report.

9. She would be interested to know which non-governmental and civil society organizations the Government had consulted in order to draft the report, and when. Had the State party held consultations with the organizations that had submitted alternative reports to the Committee? She wondered why the State party had omitted information related to the implementation of its policies to prevent and punish torture, when it had provided such information to other United Nations mechanisms, such as the universal periodic review.

10. She was concerned that, despite the prohibition of acts of torture in the Convention and other laws, certain provisions still authorized conduct that could amount to torture or ill-treatment. For example, whipping was still permitted as a punishment and article 35 (6) of the Constitution excluded previously existing laws from the prohibition of torture. She wished to know whether the State party intended to amend its laws to expressly prohibit punishment that might constitute torture or ill-treatment and what steps it was taking to ensure that those laws covered all persons in all settings, without exception. She asked whether the torture or ill-treatment of persons in so-called preventive detention was also prohibited.

11. She would appreciate clarification as to whether the Torture and Custodial Death (Prevention) Act, 2013 (the Anti-Torture Act) was applicable to entities which were not law enforcement agencies but which played a role in arresting or depriving people of their liberty, such as the Prison Authority and the Anti-Corruption Commission. She wondered whether the Government was considering amending the Act to clarify that public officials working for such entities were indeed subject to the Act. In the light of reports of requests from some branches of the police force to be exempted from anti-torture laws, ostensibly in order to be able to pressure suspects into confessing, she would be grateful for confirmation that the Government was not considering granting any such exemptions. She wished to know whether high-level officials in the State party had made it clear to the police that pressuring defendants to confess to crimes through methods that might constitute torture or ill-treatment was unacceptable. It would be useful to have information on measures being taken to increase the capacity of the police to make greater use of forensic investigation techniques rather than obtaining confessions as a means of solving crimes.

12. It was unfortunate that the State party's report contained no data pertaining to the implementation of the Torture and Custodial Death (Prevention) Act, 2013. She asked whether the 258 law enforcement officers referred to in the delegation's opening statement had been charged under the Act, given that, according to alternative sources, only 10 cases had been brought. She would be grateful for specific information regarding those cases, including which bodies had been responsible and what punishments had been imposed. She

asked whether the Government was considering gathering data on the implementation of the Act and whether that information would be published online.

13. The reportedly low number of prosecutions for torture was troubling, given the allegations that law enforcement authorities routinely committed torture to extract confessions or bribes. It was reported that persons who sought to publicize incidents of torture were subjected to reprisals and were reluctant to file complaints owing to the lack of effective protection mechanisms. When they tried to do so, the complaint mechanisms provided for in the Torture and Custodial Death (Prevention) Act proved ineffective and so most allegations were not effectively investigated. She would appreciate comments on the low number of prosecutions under the Act, especially given the Government's experience with the International Crimes Tribunal, which had convicted more than 80 persons, many of them on charges of torture, for crimes committed during the genocide of 1971.

14. The Committee had heard reports that some of the security forces, particularly the Rapid Action Battalion, the Detective Branch of the police and the Directorate General of Forces Intelligence, routinely engaged in incommunicado detention and had used lethal force that amounted to extrajudicial executions. The United Nations Working Group on Enforced or Involuntary Disappearances had expressed particular concern about the Rapid Action Battalion, in the case of Hummam Quader Chowdhury, Mir Ahmed Bin Quasem and Abdullahil Amaan Al Azmi. She wondered if an investigation had been opened into the case and into allegations that the men had been detained incommunicado. She would like to know the status of any such investigations, if anyone had been held accountable and in what way. Following the interview broadcast on Swedish radio in 2017, in which a senior Rapid Action Battalion official had allegedly admitted that the force routinely engaged in incommunicado detention, torture and extrajudicial killing, had the Government initiated an independent inquiry into the force?

15. She understood that the Armed Police Battalions Ordinance, which applied to the Rapid Action Battalion, stated that no legal action could be brought for anything done in good faith under the law, which could constitute a form of legal immunity for torture in violation of the Convention. She would like the delegation to clarify the effects of the clause and wondered if the Government had plans to repeal it. She wished to know how many of the Rapid Action Battalion personnel who had been punished had committed torture. The Committee had heard that Rapid Action Battalion personnel had only been held accountable for violations of the Convention in one case, the 2014 abduction and killing of a panel mayor of Narayanganj City Corporation and his associates. It had taken an appeal by the Prime Minister for a judicial investigation into the incident to be ordered, and the arrest of the officers had required the prior approval of the Armed Forces Division. She would like to know if the 33 law enforcement personnel convicted from 2013 to 2017 had been involved in that incident or if their cases were separate. It would be useful to have updated data on the number of recorded cases of extrajudicial execution, incommunicado detention or torture in custody by the Rapid Action Battalion. She wished to know what action had been taken in those cases. She wondered if the Government intended to reform the force, for example by ending the use of personnel seconded from the military.

16. She would like to know what steps had been taken to address allegations of incommunicado detention. Had a list of all official places of detention been published and had any officials who detained individuals in any other places been punished? It was important for the Government to demonstrate that it acknowledged the gravity of the situation in the country with respect to torture and that it was making urgent efforts to fulfil its obligations under the Convention, in line with its zero-tolerance policy.

17. She wished to know how many of the 77 complaints of torture made to the National Human Rights Commission between 2012 and 2019 had been transmitted to the authorities, whether the authorities had opened investigations into them and if any of the complaints had resulted in a prosecution or conviction for torture. In the case of Shahidul Alam, the Commission had transmitted his claim of torture by Detective Branch officers to the Ministry of Home Affairs shortly after his arrest in August 2018. What was the status of the investigation and who was carrying it out?

18. She would appreciate data on the number of complaints of torture and ill-treatment received by the Discipline and Professional Standard section of the police. She wished to know what entity investigated the complaints received and whether a complaint of torture to the section had ever resulted a criminal investigation against police officers. She wondered what measures had been taken to ensure the independence of the section from the rest of the police force. She would appreciate further information on the number of complaints of torture received directly by the high officials of the police referred to in paragraph 17 of the State party's report (CAT/C/BGD/1) and whether they had led to any investigations.

19. In the light of reports that the procedure for judicial inquiry into criminal complaints was not effective in practice, it would be helpful to have data on the number of requests made for judicial inquiries into allegations of torture and disappearance, the number that had actually been ordered and the outcome of all such judicial inquiries, including how many had resulted in a conviction for torture. She would appreciate an update on the cases of Parvez, Bashir Uddin and Imtiaz Hossain, in which the individuals concerned had sought a judicial inquiry but the investigations appeared to have stalled. Given the allegations of political pressure faced by judges, including in the case of the former Chief Justice, Surendra Kumar Sinha who had reportedly been compelled to resign and to flee the country, she would like to know what measures had been taken to shield judges from political pressure and to strengthen the independence of the judiciary more generally.

20. She would like to know if any action was envisaged to address the apparent conflict of interest that arose when police within the same chain of command as the alleged perpetrators were tasked with investigating claims of torture. It would be useful to have examples of cases in which police officers had been disciplined for failing to register or effectively investigate a complaint of torture. She asked whether the Government intended to establish an independent investigative body outside the police hierarchy to investigate allegations of wrongdoing, including torture, against public officials.

21. Data would be appreciated on the number of public officials who had been subject to disciplinary actions for engaging in torture or ill-treatment under the relevant internal administrative mechanisms and what type of measures had been handed down.

22. She would appreciate updated data on cases in which Rapid Action Battalion personnel had been sanctioned for torture or ill-treatment and the type of sanctions received for each category of violation. She wished to know whether the Internal Inquiry Cell was the only internal body responsible for overseeing the conduct of Rapid Action Battalion personnel, including those seconded from the armed forces, and what measures ensured the impartial investigation of complaints of misconduct.

23. Information should be provided on the expected time frame for Parliament to pass legislation on witness protection and the status of the draft legislation proposed by the Law Commission. She wondered if the Government could build on its experience in the establishment of protective measures in the context of the International Crimes Tribunal and the Prevention of Women and Children Repression Act to make such measures available to all victims and witnesses of crimes.

24. What was the current status of action taken against police officers for their alleged involvement in the 2016 attack on a Santal community in Gobindaganj? She would appreciate information on any measures taken to ensure that ethnic and religious minorities had access to effective complaints mechanisms that could receive and appropriately investigate allegations of official complicity in attacks against vulnerable groups. It would be helpful to have an update on the case of the indigenous rights activist Michael Chakma, who had been missing since 9 April 2019 and was feared to have been forcibly disappeared, and on other cases involving indigenous persons. She also wished to have an update on the investigation into the death of the Hindu activist and lawyer Palash Kumar Roy, who had been arrested on charges of insulting the Prime Minister and had allegedly been set on fire in police custody.

25. She asked whether the Government had investigated the allegations made by Priya Saha, at the Ministerial to Advance Religious Freedom in the United States of America, to the effect that religious minority communities had been subjected to violence and

harassment, including the burning of their homes. Had the Government made it clear that Ms. Saha would not be punished for her claims and would be protected against potential attacks by private individuals? Were steps being taken to repeal legal provisions that criminalized “hurting religious sentiments” and to address allegations that such provisions could be used as justification by persons seeking to harass members of vulnerable groups and encourage violence against such groups by private individuals?

26. The delegation should indicate the number of cases that had been brought against police or other officials pursuant to the Women and Children Repression Prevention Act, which provided that if a woman was raped in police custody, everyone responsible for her custody became liable under the law, as well as the number of convictions in such cases and the sentences received. It would be useful to have information about measures being taken to encourage victims of sexual and gender-based violence to register complaints. She wished to know if rape had ever been prosecuted as torture under the Torture and Custodial Death (Prevention) Act, and whether the State party had investigated the case of two teenage sisters from an indigenous community who had allegedly been sexually assaulted by armed forces personnel in the Chittagong Hill Tracts in January 2018. She wished to hear the response of the delegation to allegations that 300 cases of violence against indigenous women and girls since 2014 had gone unpunished.

27. She would appreciate more information about the investigations carried out by the Government into the allegations of sexual abuse and exploitation against two Bangladeshi nationals who had been repatriated from Haiti and the Democratic Republic of the Congo, where they had served in United Nations peacekeeping missions. She wished to know what bodies were responsible for the investigations, whether charges had been filed and whether either of the two individuals had been prosecuted or punished. She asked what steps the Government took to vet candidates for peacekeeping missions to ensure that no one who had been involved in torture or incommunicado detention in Bangladesh was subsequently deployed in a United Nations peacekeeping operation.

28. Given the reported low rates of conviction in rape cases, it would be useful to have updated data on the number of rape cases registered, disaggregated by location, and the number of cases in which perpetrators had been prosecuted and convicted. She would appreciate clarification as to whether the law actually required rape victims to file a police report within 24 hours of the crime, which would prevent most cases from reaching the courts. She wished to know if the Government was taking action to address the sexual assault of children, mostly girls, and allegations that the police often took no action owing to corruption. She would appreciate data on the number of cases in which girls under the age of 18 had been married under the law that permitted such marriages in “special cases”.

29. She asked whether steps were being taken to ensure that girls and women, as well as medical professionals, did not face legal obstacles to terminating pregnancies, particularly in situations where being forced to maintain a pregnancy would cause the girl or woman to experience severe pain or suffering. Information was needed about the Government’s efforts to combat dowry violence and hold perpetrators accountable, together with any available statistics on the practice. It would be helpful to have data on the number of complaints of domestic violence received, investigations carried out and successful prosecutions, and on redress awarded to victims of sexual or gender-based violence.

30. She would appreciate more information about whether the Government was cooperating with the Office of the Prosecutor of the International Criminal Court in the investigation into the possible commission of international crimes against the Rohingya in the territory of Bangladesh. She asked whether Bangladeshi officials were investigating allegations of crimes prohibited by the Convention committed against the Rohingya in Myanmar.

31. She asked whether Bangladeshi legislation permitted individuals to bring civil suits alleging torture committed outside the State party’s territory and, if not, whether the Government would consider introducing such a provision. There were credible reports that the vast majority of victims of trafficking in the State party did not pursue cases against their traffickers because they feared retaliation in the absence of adequate police protection. She wished to know how the Government planned to remedy that situation. Border guard,

military and police officers were allegedly involved in the trafficking of Rohingya women and children, with apparent impunity. Furthermore, the High Court Division of the Supreme Court refused to hear trafficking cases brought by Rohingya victims, and none of the more than 100 reported cases of forced labour and sex trafficking of Rohingya victims within the State party had been investigated. She asked how many complaints relating to those cases had been lodged, how many cases alleged the involvement of State officials, whether any State officials had been prosecuted, why foreign victims of trafficking were not permitted to access government support services, whether Rohingya persons were entitled to legal aid and whether they could file complaints with the State party's courts.

32. Turning to the matter of non-refoulement, she asked how many persons had been expelled, returned or extradited from the State party in recent years, to which countries, and whether the Government planned to implement a tailored procedure through which individuals could seek to remain in the country on the grounds that their return would violate the State party's non-refoulement obligation under the Convention.

33. The State party's prohibition of corporal punishment in schools was welcome. However, there were reports that victims were often reluctant to file complaints for fear of reprisals, and that complaints did not result in concrete action. She asked how many complaints of corporal punishment in schools had been received, how many investigations had been undertaken, how many cases had resulted in teachers being held accountable and what disciplinary and criminal sanctions had been imposed. She also requested information on complaints of violence against children, lodged via the helpline for children, that had resulted in the perpetrators being held accountable, and on any other measures to encourage children to lodge complaints and to protect victims from further abuse. Lastly, she asked whether the Government would accept articles 21 and 22 of the Convention.

34. **The Chair** (Country Rapporteur) said that the State party's Constitution and Code of Criminal Procedure appeared to lack fundamental legal safeguards to protect persons deprived of liberty, including the right to a lawyer from the moment of their arrest. He asked whether detainees had the right to inform a person of their choosing of their arrest and, if so, when they could do so. He wished to know how many detainees enjoyed that right in practice, how many could access legal counsel, including from the moment of their arrest, and how quickly legal aid lawyers were able to assist accused persons. Did the Government maintain a register of persons deprived of liberty and, if not, would it consider doing so and making the information contained therein available to detainees' lawyers and families? The Committee would welcome information on any exceptions to the right to legal counsel and, more generally, whether there were cases in which fundamental legal safeguards did not apply. Was incommunicado detention ever legal?

35. The Committee had received reports, including from the National Human Rights Commission, that torture was a frequent occurrence in police custody and during pretrial detention. He requested confirmation that Bangladeshi law did not allow detainees to request and receive a medical examination by a doctor of their choosing. If not, he asked whether the Government would consider granting that right in law and in practice to complement the Supreme Court's guideline that police officers should record any signs of injury on arrested persons. He wished to know whether that guideline, and the 14 others on arrest and detention issued by the Supreme Court, had been implemented and the necessary changes made to the Code of Criminal Procedure, what level of compliance had been observed and how many medical certificates recording injuries had been issued as a result.

36. Given the many reported of killings by police officers, he asked whether an effective system was in place to ensure that the use of force by the police was necessary and proportionate. He asked whether the excessive use of force by officers led to disciplinary and criminal sanctions and, if so, how many cases had resulted in such sanctions in the previous three years. The police appeared to engage in torture, corruption and reprisals with impunity, and the police complaints mechanism described in the State party's report was not independent and did not comply with international standards. He asked whether the Government agreed that greater police accountability was required and, if so, what measures were envisioned to that end.

37. The work of the National Human Rights Commission was hindered by a range of problems, including a lack of transparency in the appointment of its members, a lack of financial independence and issues hampering its work with the Government. He asked how the Government would ensure that the Commission enjoyed its support and cooperation and whether the Commission would be brought fully into line with the Paris Principles. There were reports that Commission members had been prevented from visiting prisons, in contravention of the National Human Rights Commission Act. He asked whether the Commission continued to enjoy the right to access and monitor places of detention without seeking prior permission, how many visits it had undertaken in 2018, what recommendations it had made and whether they had been implemented. If the Commission could no longer perform unannounced visits, he wished to know how the Government planned to restore that mechanism, whether it would allow civil society to monitor places of detention and whether it would ratify the Optional Protocol.

38. He asked whether the Code of Criminal Procedure incorporated international standards governing pretrial detention, which was used extensively in the State party, where detainees on remand accounted for 81 per cent of the prison population. The delegation should provide information on the average and maximum durations of pretrial detention. There were strong indications that torture was used routinely against pretrial detainees and that orders to release pretrial detainees had been ignored in the past, for example in the case of Mahmudur Rahman. He would welcome information on the Government's plans to reduce and standardize the use of pretrial detention, prevent torture and ill-treatment and ensure that release orders were implemented, as well as an update on the case of Mahmudur Rahman.

39. He asked what training on the Convention was provided to law enforcement officials and whether medical staff received training on documenting torture and on the Istanbul Protocol. He requested information on any recently implemented rules, instructions or methods relating to interrogation and custody arrangements that aimed to prevent torture and ill-treatment. He asked how the Government intended to protect lesbian, gay, bisexual, transgender and intersex persons from threats, killings and arbitrary detention by public officials.

40. He invited the delegation to comment on the reported poor detention conditions in the State party, which included food and water shortages, insufficient sanitation and the housing of minors with adults. He asked how the Government would alleviate overcrowding and fight the corruption that was widespread in the criminal justice system, and likely elsewhere in the Administration. Lastly, he asked how many detainees were subject to "rigorous imprisonment", whether that measure was still in use and whether there were plans to repeal the relevant provision.

41. In the light of reports of a lack of medical services for prisoners, he asked the delegation to provide information about the number of medical doctors in prisons, who employed them and whether they received training on the detection of signs of torture, such as training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). Details would also be appreciated on any measures taken or planned to ensure the adequate medical treatment and medical examination of newly arrived detainees. He would be grateful for confirmation of the procedure for investigating deaths in custody, described in 2018 by the Dhaka Metropolitan Police Commissioner as involving both an inquest and an autopsy. Information should also be provided on the number of deaths in custody since 2015, the findings of the related inquests and autopsies, the causes of death, and whether any of the investigations had led to legal or disciplinary action, including for torture.

42. While noting the State party's reservation to article 14 of the Convention, he would welcome data on how many victims of torture had received reparations in the previous 10 years, whether those reparations had been provided by the State or by perpetrators, and whether the right to reparation was automatic. The delegation should state whether the Government planned to amend the Torture and Custodial Death (Prevention) Act of 2013 to provide for a legal right to all types of reparation and ensure that victims were aware of and could access those measures. Would the Government consider withdrawing its reservation

to article 14? What measures were being taken to provide psychosocial services and mental health care to Rohingya refugees?

43. Given the emphasis placed on confessions in legal proceedings, he wished to know what measures were in place to ensure that coerced confessions were dismissed by the courts and that the burden of proof lay with the State. It would be useful to know whether the Government considered that there should be sanctions for admitting coerced confessions, and if so, how such a system could be established.

44. He asked whether the Government would consider a moratorium on the death penalty and the commutation of existing death sentences to life imprisonment. Given reports of widespread electoral violence, including voter suppression and the intimidation of political opponents, he wished to know what steps had been taken to address electoral violence and whether the State party would allow independent monitoring of its elections and polling stations. Data should be provided on the number of individuals killed or wounded at polling stations, political rallies and other places related to the electoral process, alongside information on how it was ensured that State actors did not participate in suppression. Data, disaggregated by year, on the number of investigations and the arraignments and convictions of State officials for electoral violence would be useful.

45. It was reported that the police commonly arrested opposition activists and militant suspects and held them in detention for long periods. In addition, arrests made following politically motivated attacks were often indiscriminate, such as in the aftermath of the attacks by militants in June 2016. He therefore wished to know how it was ensured that all detained persons, including political activists, protestors and persons arrested as part of crowd control measures, were in practice afforded fundamental legal safeguards from the outset of arrest.

46. **Mr. Rodríguez-Pinzón** said that the amounts of monetary compensation provided for in the Torture and Custodial Death (Prevention) Act were not proportionate to the lifelong harm suffered by victims of torture, or by their families in the case of deaths from torture. He asked whether the amounts of compensation could be reviewed in certain cases to reflect the damage caused, and if not, whether the State party intended to introduce measures to that end. The delegation should indicate whether other forms of compensation could be obtained through civil proceedings, and whether the exoneration of a perpetrator of torture by the criminal courts affected the ability of the victim to claim compensation through the civil courts. He asked whether the ruling of the Supreme Court in *BLAST v. Bangladesh* made the award of compensation for the infringement of fundamental rights by the police applicable to all victims of torture. He noted that the State party's reservation to article 14 was contrary to the purpose of the Convention.

47. **Ms. Racu** said that, in the light of information on the situation of women and girls in prison in Bangladesh, she would appreciate updated figures on the number of female prisoners and how many of them were being held in pretrial detention. The delegation should explain what measures were being taken to improve living conditions for female prisoners and young children living in prison with their mothers, particularly with regard to access to health care, hygiene and psychological and social support. Information would also be appreciated on action to tackle overcrowding in women's prisons, including the associated lack of privacy for confidential meetings.

48. Shortcomings in the application of the law to protect children had been highlighted in reports from other sources, which indicated that girls were the main victims of rapes of children, and that deadlines for reporting rape and problems in the justice system led to low rates of prosecution and conviction for the sexual abuse of children. She asked what investigations were conducted into sexual violence against children, what sentences were imposed for such crimes and whether child victims could access prevention and protection measures, including psychological and social support services. Up-to-date figures should be provided on the number of incidents of sexual violence against children in the previous four years.

49. **Ms. Belmir** said that the State party's justice system was in need of reform. She invited the delegation to comment on the problems in the justice system, noting the de facto immunity granted to State officials, lengthy periods of pretrial detention and difficulties in

accessing justice that encouraged the use of informal mechanisms, such as village courts or councils in rural areas.

50. **Mr. Hani** said that he would appreciate clarification of whether torture and ill-treatment were fully prohibited in the State party, given the contradictory wording of subparagraphs 5 and 6 of article 35 of the Constitution on the matter. He asked whether all forms of corporal punishment had been abolished in the State party, in law and in practice, and what measures were in place to ensure that children were not subjected to corporal punishment in educational establishments, following a Supreme Court ruling on the matter.

51. No information on torture and ill-treatment in psychiatric institutions had been provided in the initial report. He invited the delegation to comment on allegations that eight persons had been found detained in prison because they were homeless, and that persons with intellectual or psychological disabilities without a fixed address were vulnerable to arrest on the grounds of their lack of shelter. Details should be given of how the Government ensured compliance with the Convention in psychiatric institutions, whether it monitored the use of all forms of constraint, how free and informed consent to medical treatment was ensured and whether detention was permitted on the grounds of mental health.

52. He requested information on the number of persons condemned to life imprisonment, and asked whether persons imprisoned for life were entitled to a “right to hope” in the sense of a judicial review of their case with a view to reducing their sentence, and whether they could access rehabilitation programmes. It would be useful to know whether the State party had signed any new extradition treaties since the entry into force of the Torture and Custodial Death (Prevention) Act, and if so, whether those treaties had explicitly included the offences defined in that Act.

53. With reference to the return of Rohingya refugees to Myanmar, he asked whether the State party considered each case individually and whether it abstained from forced returns under the principle of non-refoulement in cases where the persons concerned faced a risk of torture or ill-treatment if returned.

The meeting rose at 12.50 p.m.