

**Torture**

Acceded: 5 October 1998.

Reservations: Article 14, paragraph (1).

**Rights of the Child**

Signed: 26 January 1990; ratified: 3 August 1990.

Bangladesh's second periodic report was due 1 September 1997.

*Reservations and Declarations:* Paragraph 1 of article 14 and article 21.

**THEMATIC REPORTS****Mechanisms of the Commission on Human Rights****Disappearances, Working Group on enforced or involuntary:** (E/CN.4/1998/43, paras. 102–104)

No new cases of disappearance were transmitted to the government of Bangladesh. The one outstanding case was retransmitted, updated with new information from the source. The case, which reportedly occurred in 1996, concerns the organizing secretary of the Hill Women's Federation — an organization which reportedly campaigns for the rights of the indigenous people in the Chittagong Hill Tracts — who is said to have been forcibly taken from her home in the Chittagong Hill Tracts by security personnel before the general elections of June 1996. Information indicated that her abduction may have been linked to her support of a parliamentary candidate representing the interests of indigenous people.

The report recalls that the Minister of Home Affairs had established a three-member committee to carry out an investigation into the case and to report to the Ministry. The committee was also to suggest legal steps to prevent such incidents in the future. At the time the report was prepared, no new information had been received from the government with regard to the case.

**Independence of judges and lawyers, Special Rapporteur on the:** (E/CN.4/1998/39, paras. 15, 19, 35–37)

An urgent appeal was sent to the government regarding an arrest on a remand order and reports that: the person concerned was held for five days, during which time she was reportedly tortured to make her confess; the woman was brought before the Chief Metropolitan Magistrate without the presence of her attorney; the charges against her were unclear; and, attempts had been made to manipulate the legal proceedings, for example by misinforming her defence attorney of the dates when she was to appear in court and by denying him access to documents relating to the case. The government responded by stating that: the arrest had taken place in the presence of the woman's attorney; she was prosecuted for possession of illegal arms; the woman was held at a police remand centre for five days and then brought before the Chief Metropolitan Magistrate, who granted further remand for four days; the allegation of torture was false and unfounded; an investigation had established the

woman's involvement in a criminal conspiracy to kill the then President of Bangladesh, Bangabandhu Sheikh Mujibur Rahman, and 32 others, including pregnant women and children; the woman was never charged with any subversive act against the government and never detained under the Special Powers Act 1974; and, the woman had been very well treated in jail and was allowed to receive visitors and lawyers.

**Sale of children, child prostitution, child pornography, Special Rapporteur on the:** (E/CN.4/1998/101, paras. 140)

In the section on education as a catalyst to raise self-awareness among children and improve their ability to protect themselves, the report refers to an initiative by the government, assisted by UNICEF. This entailed providing support to 35 local NGOs active in a range of alternative programmes for working children, to use their experiences in an education programme for over 350,000 working children.

**Violence against women, Special Rapporteur on:** (E/CN.4/1998/54, Section II.A and D)

The report notes that preventive detention is frequently used in Bangladesh, through laws that provide for "safe custody" as a mechanism of "protection" for children and women who are victims of certain crimes or circumstances that leave them with no alternative place to go. In Bangladesh, those found in safe custody are usually: girls marrying outside their religious community or against the will of their parents; rape victims; women and girls rescued from brothels; destitute women forcibly evicted from their homes as a result of domestic violence; victims of trafficking; and lost and mentally handicapped children. The Special Rapporteur (SR) stated that to imprison such women is manifestly unjust: it is not only a violation of their human rights since it discriminates on the basis of gender, but it places them at great risk of custodial violence. The report states that numerous cases have been recorded in which women in "safe custody" have been abused and, in some cases, killed.

Referring to custodial violence, the SR cited the case of a 16-year-old garment factory worker who was walking with her boyfriend near the town of Chittagong. Police arrested both on the grounds that a woman may not walk with a man to whom she is not married, despite the fact that there is no basis under Bangladesh law for such an arrest. The couple were first taken to a nearby police camp. The girl was subsequently transferred to another police station, where policemen raped her. The following morning, the victim was taken to a hospital emergency ward and, after the girl disclosed that she had been raped, a medical inquiry board was set up. When the case went to court the police requested that she be sent to "safe custody" and the court agreed. The girl remained in detention without access to a lawyer or visits by her friends or family, developed severe health problems, and died, allegedly from typhoid fever. The four policemen accused of raping the girl were acquitted by a trial court. The judge reportedly deplored the actions of government