Bangladesh's Compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Suggested List of Issues Prior to Reporting Relating to:
The Death Penalty

Submitted by The Advocates for Human Rights
a non-governmental organization in special consultative status with ECOSOC since 1996

Odhikar
a non-governmental organization since 1994 with ECOSOC status

Capital Punishment Justice Project

FIDH

and

The World Coalition Against the Death Penalty

for the 94th Pre-Sessional Working Group of the Committee on the Elimination of Discrimination Against Women
5–30 October 2026

Submitted 4 September 2026

The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law since its founding in 1983. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

Odhikar is a human rights activist organization that documents, monitors and campaigns against violations of civil and political rights in Bangladesh. Its main focus is on the issues of torture, extrajudicial killings, enforced disappearances and the death penalty. It is based in Bangladesh and also has ECOSOC status and is a member of several international human rights networks.

Capital Punishment Justice Project (CPJP) is an Australian-based NGO that stands for a world without the death penalty or other forms of state-sanctioned killing. CPJP works closely with partners in Asia to support the defence of people facing the death penalty, assist local anti-death penalty civil society organisations and campaign to convince governments to abolish the death penalty. Ending the death penalty is one of the Australian Government's human rights priorities and CPJP's work is imperative to ensuring that Australia is a leading voice on abolition.

The International Federation for Human Rights (FIDH) is an international human rights NGO that unites about 200 member organizations worldwide. Since its foundation in 1922, FIDH has been defending all civil, political, economic, social, and cultural rights set out in the Universal Declaration of Human Rights (UDHR).

The World Coalition Against the Death Penalty is a membership-based global network committed to strengthening the international dimension of the fight against the death penalty. Established in 2002, its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

EXECUTIVE SUMMARY

1. The Committee last reviewed Bangladesh's compliance with the Convention on the Elimination of All Forms of Discrimination Against Women in 2016. This report addresses Bangladesh's compliance with the Convention as it pertains to issues related to the death penalty, which the Committee did not specifically address in its 2016 Concluding Observations. Women in conflict with the law, including women facing the death penalty, face discrimination in criminal legal proceedings and other barriers to accessing justice. Moreover, many of these women are survivors of gender-based violence, yet courts rarely take this history into consideration when women face capital charges.

2. Bangladesh retains the death penalty and carried out its most recent execution in 2023.[1] The Home Ministry confirms that, as of 23 November 2025, 2,683 people, including 93 women, are under sentence of death.[2] That number has increased significantly since 2011, when 1,009 people were on death row.[3] Courts sentenced at least 185 people to death in 2025, including four women.[4] This figure down from at least 248 in 2023, but an increase over the 165 known death sentences in 2024, which included four women.[5] Nonetheless, 2024 marked the first year since 2018 when authorities did not carry out an execution, and authorities did not carry out any executions in 2025, either.[6]

Bangladesh fails to uphold its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women

I. Courts in Bangladesh continue to sentence women to death, including for crimes that do not meet the "most serious" standard.

3. Bangladesh authorizes the death penalty for a wide range of offenses, many of which do not rise to the level of "most serious" under international human rights standards. Of the 33 crimes punishable by death, 25 are non-lethal.[7]

4. Bangladesh has expanded the applicability of the death penalty, having added 14 new capital crimes since 2000.[8] These new capital offenses suggest that lawmakers are increasingly resorting to symbolic acts like ratcheting up penalties, rather than dedicating resources toward apprehending offenders, addressing the root causes of crime, and providing support to victims, particularly when victims are women and members of other vulnerable groups.[9] Examples of

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[1] Amnesty International, Death sentences and executions in 2024, (London: Amnesty International, Apr. 2025), 10, available online at https://www.amnesty.org/en/documents/act50/8976/2025/en/.
[2] Data from the Home Ministry, provided by Odhikar (Nov. 23, 2025).
[3] Rahman, Muhammad Mahbubur & Wadud, Psymhe, *The Death Penalty and Death Row Prisoners in Bangladesh*, (Mar. 29, 2022), available online at https://blogs.law.ox.ac.uk/research-and-subject-groups/death-penalty-research-unit/blog/2021/07/death-penalty-bangladesh.
[4] Amnesty International, Death sentences and executions in 2025, (London: Amnesty International, May 2026), 20, available online at https://www.amnesty.org/en/documents/ACT50/0778/2026/en/.
[5] Amnesty International, *supra* note 1, at 12.
[6] *Id.* at 10 ; Amnesty International, *supra* note 4, at 20.
[7] The Death Penalty Project, *Living Under Sentence of Death* (Mar. 29, 2022), available at https://dpproject.wpengine.com/wp-content/uploads/2021/06/DPP-Bangladesh-Report-Web-single.pdf.
[8] Rahman & Wadud, *supra* note 3.
[9] Ibid.

such actions include providing capital punishment for causing death or injury of the eyesight or hearing or disfiguration of the face or sex organs by acid (Sections 4, 5a of the Acid Offence Control Act, 2002), human trafficking by an organized group (Section 7 of the Prevention and Suppression of Human Trafficking Act, 2012),[10] kidnapping a woman for ransom (Section 8 of the Suppression of Violence against Women and Children Act of 2000 (SVWCA)), rape (SVWCA Section 9), causing death of a married woman for dowry (SVWCA Section 11), and mutilation of a child for begging or organ trading (SVWCA Section 12).[11]

5. And as the most recent examples of such expansion, on 1 December 2025, the interim government gazetted the Enforced Disappearance (Prevention and Protection) Ordinance, which establishes the death penalty as the maximum sentence for the crime of enforced disappearance.[12] Several of the coauthors of this report have criticized this legislation as inconsistent with Bangladesh's international human rights obligations, noting that the law's death penalty provision is unnecessary "to enable victims and their families to access justice and demand accountability from perpetrators."[13] The current government, the Bangladesh Nationalist Party, elected in February 2026, decided not to enact this law, rendering the draft law void. But the Enforced Disappearance Prevention and Redress Bill, 2026 was placed before Parliament on 27 August 2026, and the death penalty reportedly remains the maximum sentence under the draft legislation.[14]

6. By statute, the death penalty is mandatory for murder by a person already under a sentence of imprisonment and causing the death of a married woman for dowry.[15] Courts have declared these provisions unconstitutional, however, so there may be room for judicial discretion.[16]

7. The Home Ministry's data from 23 November 2025 states that of the then-94 women under sentence of death, courts had convicted 87 for murder, 3 for drug-related offenses, and 4 for unspecified offenses against women and children, presumably under the SVWCA.[17]

8. The expansion of the death penalty to non-violent drug-related offenses in 2018 through the Narcotics Control Act has led to courts sentencing women to death for non-violent crimes.[18] Possession of over 25 grams of cocaine is a crime punishable by death.[19] In 2024, courts

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[10] Death Penalty Project, *supra* note 7, at 21.
[11] *Id.* at 20-21.
[12] *Bangladesh promulgates ordinance establishing death penalty for enforced disappearances*, New Age, 2 Dec. 2025, https://www.newagebd.net/post/country/283944/bangladesh-promulgates-ordinance-establishing-death-penalty-for-enforced-disappearances.
[13] Anti-Death Penalty Asia Network, *ADPAN Urges Bangladesh to Reconsider Death Penalty Clause in New Enforced Disappearance Ordinance*, Joint Press Statement, 18 Nov. 2025, https://adpan.org/adpan-urges-bangladesh-to-reconsider-death-penalty-clause-in-new-enforced-disappearance-ordinance/.
[14] United News of Bangladesh, *Bills on human rights, enforced disappearance placed in Parliament* (Aug. 27, 2026), available at https://unb.com.bd/category/Bangladesh/bills-on-human-rights-enforced-disappearance-placed-in-parliament/194020.
[15] Death Penalty Project, *supra* note 7, at 22.
[16] Ibid.
[17] Home Ministry, *supra* note 2.
[18] Narcotics Control Act, 2018 available at https://legislativediv.portal.gov.bd/sites/default/files/files/legislativediv.portal.gov.bd/page/5a6bca14_6a2e_44e4_b155_c8147d1edd65/27.%20Narcotics%20Control%20Act%2C%202018.pdf.
[19] Stabroek News, *Guyanese woman caught with cocaine could face death penalty under Bangladeshi law* (Sept. 2, 2025), available at https://www.stabroeknews.com/2025/09/02/news/guyana/guyanese-woman-caught-with-cocaine-could-face-death-penalty-under-bangladeshi-law/.

sentenced at least three people, including one woman, to death for drug-related offenses.[20] Among them was L.M., national of Botswana.[21] Reporting suggests that in 2025, a Guyanese woman was at risk of being sentenced to death after authorities apprehended her in possession of a large quantity of cocaine on an incoming flight.[22]

II. Women in contact with the law face barriers to accessing justice (Concluding Observations para. 13).

9. The Committee in its 2016 Concluding Observations recommended that Bangladesh "[e]nsure that all women and girls . . . have effective access to justice," "[p]rovide for the judiciary and law enforcement officers mandatory capacity-building programmes on women's rights," and "[e]nsure that women and girls without sufficient means have access to the Legal Aid Fund to secure their legal representation and enable them to claim their human rights."[23]

10. Bangladesh's combined ninth and tenth periodic reports, in discussing access to justice, make no specific reference to access to justice for women in conflict with the law.[24]

11. Women in conflict with the law often receive inadequate legal representation. While Bangladesh does offer some forms of free legal aid to people under sentence of death or at risk of capital convictions, this aid is based on a rigid income eligibility structure, where an applicant must earn less than BDT 100,000 (USD 928) annually or BDT 150,000 (USD 1,392) for cases before the Supreme Court.[25] Such stringent cutoffs do not account for the economic realities of many women in conflict with the law and often leave people who are financially struggling without adequate legal representation.[26] Certain vulnerable groups, however, that are primarily female (acid attack victims, human trafficking survivors, and destitute women) qualify for these legal aid services.[27] It is unclear whether women who are foreign nationals and who are in conflict with the law are eligible for legal aid.

12. The case of L.M. illustrates barriers to accessing justice in the context of women and the death penalty. In January 2022, authorities at the international airport in Dhaka arrested L.M., a national of Botswana. She had been traveling to Bangladesh to purchase readymade garments to import to Botswana for sale. Customs officials searched her freight luggage in her absence and authorities charged her with transporting 3.145 kilograms of heroin. The evidence against her was dubious. The Investigation Officer's description of the seized evidence differed from

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[20] Amnesty International, *supra* note 1, at 14, 23.
[21] Mtolo, Nkanyiso, *Botswana can escape the hangman* (July 21, 2025) available at https://www.amnesty.org/en/latest/news/2025/07/botswana-can-escape-the-hangman/#:~:text=Lesedi%20Molapisi%2C%20a%20young%20Motswana,her%20rights%20to%20be%20protected.
[22] Stabroek News, *supra* note 19.
[23] Committee on the Elimination of Discrimination against Women, *Concluding observations on the eighth periodic report of Bangladesh*, (25 Nov. 2016), U.N. Doc. CEDAW/C/BGD/CO/8, ¶ 13.
[24] Committee on the Elimination of Discrimination against Women, Combined ninth and tenth periodic reports submitted by Bangladesh under article 18 of the Convention, due in 2020, (2 Oct. 2025), U.N. Doc. CEDAW/C/BGD/9-10, ¶¶ 47-55.
[25] Daily Star, *Legal aid, systemic barriers, and access to justice in Bangladesh* (2024), available online at https://www.thedailystar.net/law-our-rights/news/legal-aid-systemic-barriers-and-access-justice-bangladesh-3874031 (last visited Nov. 30, 2025).
[26] Ibid.
[27] Ibid.

both the evidence the chemical examiner reported receiving and the description in the first information report. Prosecutors submitted an official charge sheet to the court seven months after her arrest. Prosecutors formally framed the charges against her on 20 July 2023. A Dhaka court sentenced her to death on 27 May 2024. She had been in Kashimpur Women's Jail for more than two years at that point. She had no interpreter during her interrogation or trial. In October 2025, the President of the International Federation for Human Rights (FIDH) and an advocate who is a member of Odhikar visited L.M. in prison. The Odhikar advocate and two others successfully represented L.M. in a hearing before the High Court Division of the Supreme Court of Bangladesh 16 to 20 July 2026. On 28 July, the Supreme Court passed an order of acquittal for L.M., declaring her not guilty. Authorities released her on 1 September and she immediately left the country to return to Botswana.[28]

13. Global trends also show that women sentenced to death face intersectional discrimination. According to a groundbreaking 2018 study by the Cornell Center on the Death Penalty Worldwide, most women on death row worldwide come from backgrounds of severe socioeconomic deprivation, a factor that can reinforce unequal access to effective legal representation.[29] This intersectional discrimination exacerbates the risk that a woman charged with a capital crime will face an unfair trial. The Cornell study found that most women who are detained are unable to afford a lawyer and are more likely to be illiterate and unaware of their legal rights.[30] Illiteracy and lack of education among poor women also leave them more vulnerable to discrimination, coercion, and exploitation,[31] which are conditions that can bring them into conflict with the law. In this context, migrant women workers are particularly vulnerable, and it is unclear whether courts take into account their precarious circumstances when assessing culpability in capital cases.

14. The Cornell Center found that economic insecurity, particularly the overrepresentation of women in "precarious work," can create pathways to committing drug-related offenses in countries like Bangladesh that authorize the death penalty for drug-related offenses.[32] The most common pathway to drug-related offending, these researchers found, was "'economic familial provisioning.'"[33] As a result of childhood poverty, they had to abandon their studies, resulting in limited job prospects. As they faced growing financial responsibilities toward their parents and their own dependents, they experienced heightened anxiety. An acquaintance aware of their precarious economic situation would offer them a job transporting drugs, and, as the Cornell Center explained, "[t]he women saw the job as a solution to the pressing problem of how to support their families."[34]

15. Research by the Cornell Center also shows that women are more likely to receive a death sentence when the adjudicating authority perceives that they are violating entrenched gender

[28] *Lesedi Molapisi of Botswana: from Death Sentence to Acquittal*, Odhikar, 2 Sept. 2026.
[29] Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty, Cornell Center on the Death Penalty Worldwide 3 (Sept. 2018), https://dpw.lawschool.cornell.edu/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf.
[30] *Id.* at 18.
[31] Ibid.
[32] Cornell Center on the Death Penalty Worldwide, *"No One Believed Me": A Global Overview of Women Facing the Death Penalty for Drug Offenses*, at 20 (Sept. 2021), http://fileserver.idpc.net/library/No-One-Believed-Me.pdf (last visited Sept. 26, 2022).
[33] *Id.* at 21.
[34] Ibid.

norms, being cast as the "femme fatale" or the "witch."[35] Women are often put on trial not only for acts they performed but also for allegedly being "a bad wife, a bad mother, and a bad woman."[36]

16. Cases documented by Cornell have shown that many women charged with death-eligible crimes experience violations of their right to a fair trial. A 2021 follow-up study demonstrated that "fair trial principles dictate that courts should consider all relevant mitigating circumstances before imposing a sentence. In practice, however, many courts neglect gender-specific mitigation."[37] The Bangkok Rules require courts to consider mitigating factors when sentencing women, "such as lack of criminal history and relative non-severity and nature of the criminal conduct, in the light of women's caretaking responsibilities and typical backgrounds."[38]

III. Inadequate responses to gender-based violence may place women into conflict with the law and at risk of the death penalty (Concluding Observations paras. 17, 19).

17. of the highest rates of child marriage worldwide," and recommended that Bangladesh "[t]ake immediate measures to end the harmful practice of child marriage."[39]," including by "providing capacity-building and awareness-raising programmes for the judiciary, the policy and law enforcement officials."[40]

18. periodic report references amendments to "laws and rules to eliminate child marriage,"[41] as well as other measures to increase penalties for various forms of rape.[42]over two-thirds of ever-married women have experienced some form of partner violence, with controlling behavior and physical violence being the most common forms of violence.[43] in circumstances arising out of relationships characterized by coercive control or gender-based violence.

19. Odhikar has documented that from January 2009 to September 2025, 14,083 women and girls have reportedly been subjected to rape.[44] Over the same period, a total of 4,489 women experienced dowry-related violence.[45] "Odhikar believes these statistics are only the tip of the iceberg, as countless incidents of violence against women go unreported."[46]

20. Odhikar reports that Bangladesh's "justice system, despite ongoing reforms, struggles to provide timely protection and fair outcomes. Delays, stigma, and limited access to legal support frequently discourage survivors from pursuing justice."[47]

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[35] Judged for More Than Her Crime, *supra* note 29, at 4.
[36] Ibid.
[37] *"No One Believed Me," supra* note 32.
[38] UN General Assembly Resolution 65/229, ¶ III.61, U.N. Doc A/RES/65/229 (Dec. 21, 2010).
[39] Concluding Observations, ¶¶ 16, 17(c).
[40] *Id.* ¶ 19(b).
[41] Ninth and Tenth Periodic Reports, ¶ 63.
[42] *Id.* ¶¶ 66-67.
[43] *Id.* ¶ 92.
[44] Odhikar, *Statement on the Commemoration of International Day for the Elimination of Violence against Women*, 25 Nov. 2025 (email communication, on file with The Advocates for Human Rights).
[45] Ibid.
[46] Ibid.
[47] Ibid.

21. Odhikar has called on authorities to "strengthen a gender-responsive judiciary," ensuring that the "justice system . . . adopt[s] [a] pro-women, survivor-centered approach that ensures safety, dignity, and equal access to legal remedies for all women."[48] Odhikar has also called on authorities to strengthen "[p]revention and protection mechanisms, including shelters, hotlines, and community-level initiatives."[49]

22. According to Cornell's 2018 study, on a global scale, child marriage increases the risk that a woman will be sentenced to death.[50] With insufficient protections against domestic violence, including marital rape, and inadequate support for victims, Bangladesh creates conditions in which women and girls who were subjected to child marriage may be at particular risk for coming into conflict with the law, either for killing their abusers or for committing crimes at the behest of a coercive and controlling spouse. Yet on a global scale, and likely in Bangladesh, trial courts "largely fail to take into account gender-based violence as a mitigating factor to reduce sentences, even in the context of child marriage," and they "rarely consider the mental health effects of child marriage, such as post-traumatic stress disorder, depression, and other mental or emotional disorders. While youthfulness exacerbates these effects, adult women in abusive relationships should also benefit from the protection of laws recognizing the relevance of domestic abuse and child marriage to capital sentencing."[51]

23. Cornell study also found that, in the global context, women are more vulnerable and most likely to be sentenced to death for criminal offenses committed within the context of gender-based violence and manipulative or coercive relationships with male co-defendants.[52] [53]women are most likely to be sentenced to death for murdering a family member, often in the context of gender-based violence. [54], as is the case with the vast majority of women under sentence of death in Bangladesh, have overwhelmingly experienced prolonged domestic violence at the hands of a partner, spouse, or another family member.[55]

24. At a global level, sentencing courts typically fail to take into account a defendant's experience as a survivor of gender-based violence or a victim of a manipulative or coercive relationship (for example, in cases where women are pressured or tricked into transporting drugs) as mitigating factors during sentencing.[56] Research also indicates that courts fail to account for power dynamics and tactics of coercive control that may affect a woman's involvement in and culpability for a crime.

IV. Bangladesh's expansion of capital rape laws is rooted in penal populism and ignores evidence that the death penalty may further endanger victims of rape (Concluding Observations para. 19).

25. As discussed in paragraphs 12-13 above, in response to the Committee's 2016 calls for Bangladesh to give priority attention to combatting violence against women and girls,

[48] Ibid.
[49] Ibid.
[50] Judged for More Than Her Crime, *supra* note 29, at 15.
[51] *Id.* at 15-16.
[52] Ibid.
[53] *"No One Believed Me," supra* note 32, at 6.
[54] Judged for More Than Her Crime, *supra* note 29, at 4.
[55] *"No One Believed Me," supra* note 32, at 11; Judged for More Than Her Crime, *supra* note 29, at 4.
[56] *"No One Believed Me," supra* note 32.

Bangladesh emphasizes that it has increased penalties for rape. Indeed, Bangladesh identifies as one if its "major developments" the 2000 amendments to the Women and Children Repression Prevention Act that "introduc[ed] harsher penalties, including the death penalty for rape."[57]

26. A 2022 report by Eleos Justice, Monash University, Anti-Death Penalty Asia Network, and SAME Network examined Bangladesh's 2020 decision to reintroduce the death penalty for rape.[58] Eleos Justice, Monash University, and the Cornell Center on the Death Penalty Worldwide subsequently expanded on this report in 2023, observing that "after footage of a young woman being gang raped went viral on Facebook, thousands of protesters called for stricter punishment of rapists," prompting lawmakers to expand the availability of the death penalty.[59] The report attributed this change in the law to "penal populism," defined as "a political discourse where by the views of professional decision-makers such as penological experts and practitioners are devalued and replaced with a more expressive emotivism by politicians who claim to represent the views of the public."[60] As the report explained, "Umama Zillur, a member of the Feminists Across Generations alliance, criticized the government's decision to introduce capital punishment for rape and rape causing death or injury, saying it was a 'knee-jerk response to public protests following high-profile rape cases.'"[61]

27. The report presented several reasons that the death penalty was not an effective response to sexual violence. First, the report observed that no evidence supports the assumption that the death penalty deters people from committing rape or that it deters more effectively than other punishments.[62] Second, the report demonstrated that "the imposition of the death penalty may reduce reporting of rapes by victims," because rapists tend to know their victims, and victims may be unwilling to make a report when there is a risk that the perpetrator will be executed.[63] Moreover, "[t]he strong culture of victim-blaming, stigmatization, an lack of support from families and law enforcement agencies lead to the overall under-reporting of sexual offences" in countries like Bangladesh.[64] Third, the report observed that the death penalty would "not guarantee justice to victims."[65] Rather, for most survivors of sexual violence, "justice mean[s] speedy trials, certainty of conviction, sensitivity and accountability from the criminal justice system, and wider change in attitudes toward sexual violence."[66]

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[57] Ninth and Tenth Periodic Reports, ¶ 9.
[58] Kowal, Sara; Walker, Scott; Ashraf, Zaman; Sato, Mai (2022). A Deadly Distraction: Why the Death Penalty is not the Answer to Rape in South Asia. Monash University. Report (Eleos Justice, Monash University, ADPAN, SAME Network, May 2022), 15, available online at https://bridges.monash.edu/articles/report/A_Deadly_Distraction_Why_the_Death_Penalty_is_not_the_Answer_to_Rape_in_South_Asia/19786873?file=35165350l; Eleos Justice, Monash University and The Cornell Center on the Death Penalty Worldwide, *Silently Silenced: State-Sanctioned Killing of Women*, by Mai Sato and Sandra Babcock (Eleos Justice, Monash University and The Cornell Center on the Death Penalty Worldwide, Mar. 2023), 56, available online at https://dpw.lawschool.cornell.edu/publication/silently-silenced-state-sanctioned-killing-of-women/.
[59] *Silently Silenced*, *supra* note 58, at 56.
[60] *Id.* at 57.
[61] Ibid.
[62] Ibid.
[63] *Id.* at 57-58.
[64] *Id.* at 58.
[65] Ibid.
[66] Ibid.

V. Detention conditions for women and their young children violate international human rights standards, and detention facilities do not address concerns specifically affecting women (Article 12, General Recommendation No. 24).

28. The 93 women currently on death row face gender-specific rights violations within an already abusive and overcrowded prison system. Such violations include prolonged solitary confinement, inadequate access to medical and legal services, insufficient access to menstrual products, and insufficient protection against sexual violence.

29. Prison overcrowding affects all prisoners, especially women. According to a 2025 report, the country's roughly 70 prisons have an official capacity of 43,157 people.[67] Yet these prisons currently hold 72,105 people, meaning that the prisons are nearly 67% over capacity.[68] This overcrowding affects all aspects of life in prison, including access to medical care and legal services, hygiene, and safety.

30. People on death row typically live in small, isolated "condemned cells," which include bathrooms with no doors for privacy.[69] These conditions, which last for prolonged periods during the appeals process, constitute *de facto* solitary confinement.[70] Human rights observers have described this isolation as degrading treatment that violates internationally accepted standards.[71]

31. In 2024, the High Court Division of the Supreme Court ruled that it is unconstitutional to hold people on death row in solitary confinement while their appeals, reviews, or mercy petitions are still pending.[72] The Court ordered that authorities should move all such persons to ordinary cells within two years.[73] The government, however, has appealed the ruling to the Supreme Court's Appellate Division, and the matter remains pending.[74]

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[67] Thereport.live, *Nationwide crackdown pushes prisons beyond capacity* (Nov. 2025), available online at https://thereport.live/national/nationwide-crackdown-pushes-prisons-beyond-capacity/36745 (last visited Nov. 30, 2025).
[68] Ibid.
[69] Benar News, *High Court rules no keeping death row inmates in solitary* (May 13, 2024), available online at https://www.benarnews.org/english/news/bengali/court-no-keeping-death-row-inmates-in-solitary-05132024100330.html (last visited Nov. 30, 2025).
[70] The Diplomat, *Is it time to declare a moratorium on the death penalty in Bangladesh?* (Sept. 2024), available online at https://thediplomat.com/2024/09/is-it-time-to-declare-a-moratorium-on-the-death-penalty-in-bangladesh (last visited Nov. 30, 2025).
[71] Anti-Death Penalty Asia Network (ADPAN), *June 2024 Updates*, available online at https://adpan.org/2024/06 (last visited Nov. 30, 2025).
[72] Benar News, *supra* note 69; TBS News, *Detention in condemned cells: Final death sentence unlawful — High Court* (2024), available online at https://www.tbsnews.net/bangladesh/detention-condemned-cells-final-death-sentence-unlawful-high-court-850001 (last visited Nov. 30, 2025).
[73] The Daily Star, *Solitary confinement is cruel and degrading* (2024), available online at https://www.thedailystar.net/news/bangladesh/crime-justice/news/solitary-confinement-cruel-degrading-3609211 (last visited Nov. 30, 2025).
[74] TBS News, *Solitary confinement, social death, the noose* (2024), available online at https://www.tbsnews.net/features/panorama/solitary-confinement-social-death-noose-1296771 (last visited Nov. 30, 2025).

32. It has long been reported that women incarcerated in Bangladesh often lack access to menstrual products and related hygiene supplies.[75] While recent reporting on this issue is scarce, human rights activists have reported as recently as 2025 that women still do not have adequate access to menstrual products or gender-specific medical care.[76]

33. The Home Ministry in November 2025 reported that 260 infants and children are living in prisons with their incarcerated mothers, including four on death row.[77] Media reporting has drawn attention to conditions for these children, as well as lack of access to medical care for new and nursing mothers.[78] Little information is available about the care these children receive.

34. Reports suggest that women incarcerated in Bangladesh face rampant sexual abuse, and that law enforcement officers have perpetrated gang rape against women in detention.[79]

VI. Suggested questions for the Government of Bangladesh

35. The coauthors suggest that the Committee pose the following questions to the Government of Bangladesh:

- Provide official data about all women charged with capital crimes during the reporting period, disaggregated by age, ethnicity, occupation at the time of arrest, religious background, nationality, disability, crime of conviction, date of conviction, sentence, relationship to any victims or codefendants, marital status, age at the time of marriage, ages of any minor children, status of any appeals or requests for clemency/pardon, current sentence, current location (if applicable), and date of execution (if applicable).
- Under what circumstances may a person charged with murder raised the defense of self-defense at trial? May a survivor of prolonged gender-based violence raise such a defense when charged with killing her abuser, even if the abuser was not imminently threatening her at the time of the killing?
- Under what circumstances may courts consider gender-specific evidence in mitigation at the time of sentencing?
- How do authorities ensure that all women accused of capital crimes have access to free and effective legal representation by attorneys who specialize in capital cases,

[75] Penal Reform International, *Shared facilities, male prisoners, shortages of sanitary towels among problems facing women prisoners*, available online at https://www.penalreform.org/blog/shared-facilities-male-prisoners-shortages-sanitary-towels-problems (last visited Nov. 30, 2025).
[76] BD Opinion Juris, *Bleeding in silence: The forgotten health rights of women in Bangladesh's prisons* (Sept. 2025), available online at https://bdopinionjuris.blogspot.com/2025/09/bleeding-in-silence-forgotten-health.html (last visited Nov. 30, 2025).
[77] Home Ministry, *supra* note 2.
[78] New Age Bangladesh, *Children of convicted mothers must not suffer in prisons* (Dec. 19, 2023), available online at https://www.newagebd.net/article/220545/children-of-convicted-mothers-must-not-suffer-in-prisons (last visited Nov. 30, 2025).
[79] Kshitij Nazia-Wahab, *Women Prisoner's Rights in Bangladesh and Bangladeshi Rule and Regulations: A Critical Analysis of International Standards*, The Law Brigade, 2020, p. 472, available online at https://thelawbrigade.com/wp-content/uploads/2020/01/Kshitij_Nazia-Wahab_Women-Prisoner%E2%80%99s-Rights-in-Bangladesh-and-Bangladeshi-Rule-and-Regulations-A-Critical-Analysis-of-International-Standard.pdf (last visited Nov. 30, 2025).

that such women have access to counsel at all times, from the start of the investigation through any appeals, and that the defense team has sufficient funding to conduct a thorough investigation and to secure relevant expert witnesses, particularly regarding gender-specific defenses and mitigation?

- Please describe any training provided to judges, prosecutors, defense counsel, police, and other individuals in positions of power within the criminal legal system regarding gender-based discrimination, domestic violence, and tactics of coercive control that may lead women to commit death-eligible offenses, including who provides such trainings and whether any such trainings are mandatory.
- What training do public defenders, legal aid attorneys, and other defense counsel in capital cases receive on gender-based discrimination, domestic violence, and tactics of coercive control that may lead women to commit death-eligible offenses? Does Bangladesh provide funding for expert witnesses on these topics if they are relevant to a woman's defense?
- Under what circumstances are civil society organizations and human rights defenders allowed to attend criminal proceedings to monitor for potential discrimination against women in conflict with the law? What constraints apply to such monitoring efforts?
- What steps have authorities taken to build support for abolition of the death penalty among lawmakers and the general public and, in the interim, to institute a de jure moratorium on executions?
- What steps have authorities taken to reduce the number of crimes eligible for the death penalty, particularly crimes that do not satisfy the "most serious" threshold under international human rights standards?
- What steps has Bangladesh taken to increase women's participation in decision-making positions within the judiciary? What proportion of judges within the criminal legal system are women?
- What steps has Bangladesh taken to strengthen a gender-responsive judiciary and to ensure that the justice system adopts a pro-women, survivor-centered approach that ensures safety, dignity, and equal access to legal remedies for all women?
- What measures have authorities taken to strengthen mechanisms to prevent and protect against gender-based violence, including shelters, hotlines, and community-level initiatives?
- What constraints govern civil society organizations that might seek to express opposition to the death penalty?
- Are civil society organizations allowed to visit prisons where women are detained and monitor conditions of detention? Under what circumstances? How many such visits have taken place during the reporting period? Did these visits include women under sentence of death?
- Please provide data about the number of women foreign nationals in Bangladesh, their occupations, and the number of reports of violence against them. Please

provide detailed information about any crimes reported by women domestic workers and describe the steps authorities have taken to increase access to justice for women domestic workers.

- What training do law enforcement officers receive about foreign nationals' right to consular notification under the Vienna Convention? What are the consequences if authorities fail to inform a foreign national in conflict with the law of her right to consular notification?
- Please describe the steps taken by Bangladesh to provide free or reduced cost legal aid to women in Bangladesh, including to women domestic workers. Is legal aid available to all women, regardless of nationality?
- Which measures, if any, have been taken to ensure that women on death row are not subjected to *de facto* solitary confinement in condemned cells? How have authorities implemented the 2024 ruling of the High Court Division of the Supreme Court prohibiting solitary confinement while appeals and mercy petitions are pending?
- Which steps, if any, has Bangladesh taken to address severe overcrowding in women's facilities? Please include details about how these measures will affect women's access to legal representation, medical care, and protection against sexual violence.
- What actions, if any, has Bangladesh taken to guarantee women's access to menstrual products, other hygiene products, and gender-specific medical care in detention facilities?
- Describe the medical care and services available to new and nursing mothers under sentence of death. What services and care to children residing with their mothers on death row receive?
- What measures are in place to address sexual violence against women in prison?