



Research article

Reviewing the Abolishment of the Death Penalty in Bangladesh through the Lens of Human Rights

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ABSTRACT

In Bangladesh, the death penalty has been a topic of controversy and discussion. This study evaluated the death penalty-related legal provisions existing in Bangladesh from the point of view of international human rights and empirically explored the prospects and main challenges or barriers to abolishing the death penalty in Bangladesh. This study employed the interpretative approach of the quantitative method for data analysis. Data was retrieved from secondary sources for the purpose of studying and evaluating the death penalty-related legal provisions. In an interpretative approach, data was retrieved from 30 general people and 20 legal experts by interviewing them with two distinctive sets of questions for each. Such demonstrations led the study to find that the general public lacks knowledge regarding human rights. After analyzing the data, the author found that while the majority of respondents said that Bangladesh should not abolish the death penalty, they did believe that life in prison could serve as an alternative and more suitable punishment. However, putting life in prison requires stability in the country's socioeconomic structure, which puts forward a barrier to Bangladesh's abolishing the death penalty.

Introduction

In Bangladesh, the death penalty is a legal punishment that can be imposed on individuals convicted of specific crimes. The death penalty is usually used in Bangladesh for serious offenses such as murder, rape, treason, and drug trafficking. In Bangladesh, the death penalty is mainly governed by the Penal Code, 1860 and the Code of Criminal Procedure, 1898. The Special Powers Act 1974, the Women and Child Repression Prevention Act 2000, Acid Offence Prevention Act 2002, the Anti-Terrorism Act 2009, Narcotic Control Act 2018, etc. also awards the death penalty for certain crimes under these laws. Bangladesh's legal system recognizes a total of 60 death-eligible offenses in different laws, 42 for ordinary people and the rest 18 for military personnel (Rahman, 2020). In Bangladesh, the rights of individuals are protected by the Constitution and many international instruments pertaining to human rights, such as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) etc. To bring Bangladesh's legal system into accordance with global human rights norms, the government has subsequently ratified many international conventions and established various local statutes. Despite these measures,

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Bangladesh's criminal sentencing system continues to suffer various challenges (Islam et al., 2024). The question of the validity of capital punishment or the death penalty under human rights is one of them and the most talked-about one (Johnson, 2019). In Bangladesh, the impending death penalty has been a matter of debate and discussion. While some say that using force is important to maintain law and order (U.S. Department of Justice, 2016), others contend that it is a harsh and ineffectual method of punishment (Ministry of Justice, 2010; United Nations Office on Drugs and Crime, n.d). Concerns concerning the fairness of trials that result in death sentences have intensified in recent years (Hritz, 2018), and several human rights organizations have advocated that the death penalty be totally abolished (Parliament of Australia, 2016; Amnesty International, 2024; Human Rights Watch, 2024). Despite these discussions, the death penalty remains a legal punishment in Bangladesh for certain crimes under various laws. This leads to a question: Is the death penalty enshrined in several Bangladeshi laws justified under human rights discourse? This instigates the controversy between Bangladeshi legal provisions containing the death penalty and International Human Rights instruments. To investigate and evaluate this issue and its remedies, this study sets forth to review

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the death penalty-related legal provisions of Bangladesh from a human rights perspective by employing interpretative approach of qualitative methodology. The results of this study will add to the current discussion on the legality of the death penalty through the lens of human rights in Bangladesh. It will shed important light on the prospects and challenges of abolishing the death penalty in Bangladesh. The policymakers, practitioners, and academics who work in the human rights and the death penalty arena will find the suggestions of this research helpful.

Materials and Methods

The general objective of this research is to examine the Death Penalty related legal provisions in Bangladesh through the lens of human rights. In order to achieve this objective; the research has employed interpretative approach of qualitative methodology to achieve the objectives. The researcher has tried to collect reports data from primary as well as secondary sources. Primary data have been collected through interview of 50 people which includes general people, human rights activists, Judges, and Advocates. Secondary Data have been collected from different journals, newspaper articles, different web-site and different books. The collected data have been analyzed and explained with different statistical tools and tables. The researcher has computerized the data using Microsoft Word and Excel. The analysis has been presented in various tables and charts. The question regarding the abolishment of the death penalty for the sake of human rights is a complex one. It becomes even more complicated when the discussion comes to a Muslim-majority country such as Bangladesh. In this regard, this study will try to establish a point on whether the death penalty should be abolished or not, reviewing the death penalty-related legal provisions of Bangladesh. This study will also consider the prospects and challenges of the abolishment of the death penalty to find out the legality of the death penalty through the lens of human rights.

Debate on Death Penalty in Human Rights Discourse Death Penalty

Death penalty is commonly known as the capital punishment. The death penalty is a systematic method that comprises the deliberate execution of individuals as punishment for actual or alleged misconduct after an accepted, procedure-governed investigation to decide that the individual is liable for violating rules that call for execution (Simonovic, 2018). Several methods of execution are followed when handed the death penalty. Lethal Injection, electrocution, hanging, firing squad, beheading etc. procedures are being followed all throughout the world. In Bangladesh, the death penalty is normally carried out via hanging till death. The death sentence has remained a matter of dispute from the very beginning. The questions were raised always, whether it is legitimate or it is a violation of basic human rights. The principal objections against the death sentence revolve on its cruelty, lack of deterrence, economic prejudices, irreversibility (Kramer, 2011) and perpetuation of racial bias (Gasperetti, 2022). The argument put up by supporters is that it is a just punishment for specific

actions, discourages crime, safeguards society, and upholds morality (Strouse, 1987).

Human Rights' Contradiction with the Death Penalty

'Right to life' means that the life of a person shall not be ended by any Government or any Public Authorities. A person or citizen shall enjoy the fullest freedom regarding his/her life. Right to life is one of the most important human rights. The conflicting point between human rights and the death sentence is about the 'right to life'. While numerous human rights instruments, organizations are working to ensure human rights globally, certain States are breaching the 'right to life' of its inhabitants by giving the death penalty as a deterrence strategy. According to Amnesty International, a renowned human rights Organization, the death sentence violates a number of human rights, including the right to life and the prohibition against torture and other cruel, inhumane, or degrading treatment (Sow, 2023).

Constitutional Standpoint Regarding the Death Penalty in Bangladesh

The Constitution of People's Republic of Bangladesh 1972 is the Supreme law of the land. The Constitution allows death penalty by providing that, no person shall be deprived of life and personal liberty except in accordance with law. To be specific, the Constitution prohibits the violation of right to life except it is sentenced by any appropriate Court following the due course of law. The court must remember that human life is the most valuable resource and that protecting life is the most important thing. Thus, life can only be deprived when it is necessary for maintaining the protection of the nation or a peaceful community (BDLex, 2023). Human Rights are those rights which a person acquires by birth as a human being (Joseph et al., 2021). These rights remain intact till the death of a person and in some cases even after death (Obregón & Londoño, 2025). Right to life, right to shelter, right to food, right to freedom, right to education, right to access to other fundamental rights are human rights. These rights are being ensured in domestic and international level in daily basis by various human rights laws regardless of one's race, color, sex, caste, place of birth etc. The Constitution of the People's Republic of Bangladesh has enunciated several human rights under fundamental rights in part III (The Constitution of Bangladesh, 1972). Despite of Constitutional enunciation, the death penalty is usually being given and carried out. The highest law of the land also provides the death penalty as a punishment under article 7A (Constitution of the People's Republic of Bangladesh, 1972). Anyone who attempts to repeal, suspend, or otherwise alter the Constitution through any unconstitutional ways will receive the maximum penalty possible. In one part, the Constitution of the People's Republic of Bangladesh provides assurances regarding human rights in preamble by enunciating the realization of fundamental human rights; in another part it contradicts its own standpoint on human rights. The enunciation of the death penalty in the Constitution of Bangladesh is a matter of controversy and contradiction from the human rights perspective.

Reviewing the Legal Provisions Related to Abolishment of Death Penalty

The preamble of the Constitution of Bangladesh calls for the realization of fundamental human rights, where the right to life is the mother of all human rights. The Supreme Law of Bangladesh, which is the Constitution of 1972, enumerated the 'right to life' in Article 32 in accordance with law. Many international instruments of human rights recognized the death sentence as inhuman (Hood & Hoyle 2015). Several countries have already eliminated the death penalty as a punishment (Amnesty International, 2025; Death Penalty Information Center, n.d.). Article 25 of the Constitution of the People's Republic of Bangladesh also refers to respect for international laws and ideals. Also, in clause (b) of the same article, the safeguarding of the rights of every individual in conformity with international rules is mentioned (The Constitution of Bangladesh, 1972). Yet, a few Bangladeshi domestic laws provide the death penalty as a punishment. In Bangladesh perspective, the provisions giving death penalty, the Constitutional assurance of 'right to life' and various international human rights laws are not in the same page yet. This matter requires determination regarding a firm decision. This section will review the existing death penalty related provisions in the light of international and regional human rights laws.

The International Human Rights Framework for Death Penalty

Several international human rights laws prohibited any cruel or inhuman action against any human being. Although the death penalty is not prohibited under international law, most nations consider it as a violation of human rights. The legal framework given by international human rights instruments on the death penalty is an important point of determination to determine the status of the death sentence. Article 3 of the Universal Declaration of Human Rights gave the assurance of right to life for every person of the world (UDHR, 1948). Article 5 of the UDHR emphasized that; any person shall not be subjected to torture or to cruel, inhuman or degrading punishment (UDHR, 1948). Torture has enduring repercussions on the physical, mental, and emotional well-being of its survivors, weakening or ruining their capacity to pursue fulfillment and happiness. Torture is fundamentally incongruous with basic human rights. Since torture has devastating implications for its victims, the international law against it is absolute (Brown, 2016). The International Covenant for Civil & Political Rights (ICCPR) 1966 specifies the abolition of the death penalty as a human rights objective. Article 6 of the ICCPR specifies that, no person shall be deprived of life arbitrarily. Even if Article 6 of the ICCPR allows the death penalty to be employed in certain instances, it also stipulates that "nothing in this article shall be invoked to delay or to hinder the abolition of capital punishment by any State Party to the present Covenant" (ICCPR, 1966). Article 7 of the ICCPR reaffirms the UDHR's proscription of torture, and expressly bans non-consensual medical or scientific experimentation. The Second Optional Protocol to the ICCPR was adopted by the UN General Assembly in

1989, giving abolition a crucial new movement. Member States that joined the Protocol's parties vowed not to sentence anyone to death on their territory (Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty, n.d.). Article 1 of the Second Optional Protocol to ICCPR clearly mentioned the abolishment of the death penalty in signatory states. Bangladesh has not ratified this protocol (ICCPR, 1966). The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984 (CAT, 1984) does not directly ban the death penalty, but it prohibits torture and cruel, inhuman, or degrading punishment. The Convention against Torture's prohibition on such treatment is relevant to the death penalty, as the prolonged suffering experienced on death row is considered by some to be a violation of the Convention (Méndez, 2012). The United Nations Convention on the Rights of the Child (UNCRC) 1989 also recognizes the "right to life" of a person. Article 6 of the UNCRC points out that all the children and young people shall have the right to live and develop (UNCRC, 1989).

The Regional Human Rights Framework for Death Penalty

The death penalty is prohibited in times of peace according to Protocol No. 6 and 13 to the European Convention on Human Rights, which was adopted by the Council of Europe in 1982 (ECHR, 1950). States parties may still impose the death penalty for crimes committed "in time of war or of imminent threat of war." The additional Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty as amended by Protocol No. 11 emphasized on the abolishment of death penalty. The ambit of this abolishment may be extended to war time also; rather it proposed to impose fine in lieu of the death penalty (ECHR, 1950). The Protocol to the American Convention on Human Rights to Abolish the Death Penalty, adopted by the General Assembly of the Organization of American States in 1990, calls for the death penalty to be completely abolished but permits states parties to continue using it during times of war if they declare as much at the time of ratifying or acceding to the Protocol (ACHR, 1990). The International Criminal Court has jurisdiction over crimes against humanity, genocide, and war crimes; however the Rome Statute of the Court prohibits the Court from imposing the death sentence as a punishment. Similarly, when the UN Security Council established the International Criminal Tribunals for the Former Yugoslavia and Rwanda in 1993 and 1994, respectively, it did not include the death sentence as a possible punishment for these crimes (United Nations, 1993). Article 4 of the African Charter on the Rights and Welfare of the Child recognizes the "right to life". While emphasizing on the respect and integrity of human life, it prohibits the violation of right to life (ACRWC, 1990). Article 4 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, titled "the rights to life, integrity and security of persons", makes African Nations to adapt administrative, legislative, social and economic measures to ensure the

right to life, security and integrity of women (African Charter, 2004). Arab Charter on Human Rights emphasized on both right to life and protection of such right by the law in article 5 (ACHR, 1994). Article 6 of this Charter discusses the abolishment of death penalty for certain offences. Also provided that any person convicted of the death penalty shall have the right to ask for pardon. The main theme of the American Convention on Human Rights is that, no one should be arbitrarily deprived of his life. The abolishment of death penalty is also a concern of this Convention. It pointed out that; death penalty should only be given in most serious crimes (ACHR, 1969). Also, it provides that, any country that abolished the death penalty should not reestablish it. The preamble of the Protocol to the American Convention on Human Rights to Abolish the Death Penalty mandates that States Parties to this protocol shall not execute any person under their jurisdiction on their territory.

Review of the Death Penalty Related Provisions in Bangladesh

Bangladesh has adopted many laws from British Colonial Period. The Penal Code 1860 and the Code of Criminal Procedure 1898 are two main criminal laws of Bangladesh which originated from British Colonial Period. Laws from British Period and laws from Post-Independence Bangladesh both preserved the death penalty as a punishment. Criminal laws providing the death penalty need to be reviewed in the light of International human rights laws.

The Penal Code, 1860

There are ten (10) offences in the Penal Code that are punishable with the death penalty. They are-

- A person shall be punished with death if he wages or attempts to wage war against Bangladesh under section 121.
- If any men of armed forces abet mutiny and mutiny is committed in consequence of that abetment, he shall be punished with death under section 132.
- A person gives false evidence in the Court, which causes the execution of any innocent person, shall be punished with death under section 194.
- Anyone commits murder shall be sentenced to death under section 302.
- Anyone being under the sentence of life imprisonment commits murder shall be punished with death under section 303.
- Anyone who abets any children or insane person to commit suicide shall be sentenced to death under section 305.
- Any life imprisonment convict attempts to murder shall be punished with death under section 307.
- Anyone causes grievous hurt by using corrosive substance shall be sentenced to death under section 326A.
- Anyone who kidnaps or abducts any child to murder, grievous hurt, and slavery or to the lust

shall be punished with death under section 364A.

- Anyone committing dacoity with murder shall be sentenced to death under section 396.

The Penal Code, 1860 is the main substantive criminal law of Bangladesh. The Penal Code provides the mandatory death sentence under Section 303, which is a blatant violation of Articles 31 and 32 of the Constitution because, through these articles, the constitution-makers recognized 'the inviolability and sacrosanct essence of human life and liberty. The basic principle underpinning these two clauses (Arts. 31 and 32) is to enhance and entrench the dignity of human life and liberty' (BDLex, 2023). That has clearly been violated by the mandatory nature of the death penalty provided by penal law. According to the ICCPR and UDHR, the Penal Code violates the right to life of a person, whether he is convicted or not. By providing provisions regarding the death penalty, the Penal Code, 1860 has violated the fundamental human rights enunciated in the Constitution of Bangladesh indirectly and several international human rights instruments directly regarding the abolishment of the death penalty, such as the Additional Protocol II of the International Covenant on Civil and Political Rights.

The Nari O Shishu Nirjaton Daman Ain 2000 (The Women and Child Repression Prevention Act 2000)

This is a special criminal law to protect women and children from violence. There are eight (8) offences under this act which provides the death penalty as punishment. They are-

- Causing death of women and children by toxic or corrosive substances under section 4(1).
- Damaging eyesight or hearing and disfiguring face, breast or sex organ by using flammable or corrosive substances under section 4(1)(a).
- Confining any women or children for the purpose of life ransom under section 8.
- Causing death of any women or children after rape under section 9(2).
- Causing death or injury to the victim by gang rape under section 9(3).
- Causing death of woman by her husband or relatives for dowry under section 11(a).
- Damaging hands, feet, eyes or any organ of any children for selling or begging under section 12.
- Abetting the above-mentioned offences under section 30.

This special law followed the Convention on the Elimination of All Forms of Discrimination on Women as its core inspiration (Nari O Shishu Nirjatan Daman Ain, 2000). Section 25 of this Act establishes the Nari O Shishu Nirjaton Daman Tribunal which conducts trials and provides punishment to the convicts. The death penalty is awarded in case of rape with murder, causing death or injury by use of corrosive substances etc. Yet, this law contradicts international human rights laws and norms, violating 'right to life' of a person by awarding the death penalty.

The Acid Offense Prevention Act 2002

Any person shall be punished with death for causing another person to die by acid, for causing injury or damage of face, breasts or genitals, eyesight or hearing by acid, and by abetting in these acts under section 4, 5(a) and 7 of this Act (Acid Offence Prevention Act, 2002). The preamble of this Act mentioned that the Act was legislated to eradicate acid offences and to control and punish those acid offenders. This law contradicts the human rights as well by enunciating the death penalty as a punishment.

The Anti-Terrorism Act 2009

If any person, entity or foreign citizen threatens the public safety and sovereignty of Bangladesh, he shall be sentenced to death under section 6(a) of this Act (Anti-Terrorism Act, 2009). Sovereignty is ultimate power of a state. Anyone threatens this is punishable with death. This strives against the provisions of international human rights by violating the 'right to life'.

The Human Trafficking Prevention and Suppression Act 2012

If more than one member of any confederate group commits any offence under this Act for material profit or to fulfill any aim, they shall be sentenced to death under section 7 of this Act. This Act also violates the 'right to life' as well by providing death penalty which stands violative to the international human rights standard.

The Narcotic Control Act 2018

There are several offences for which the punishment is death penalty under this Act. They are-

- Production, transport, export or import of Heroin, Cocaine in excess of 25 grams.
- Supply, purchase, sell, transfer, accept, transmit, trade, auction, possession, preservation and display of Heroin, Cocaine and derivatives drugs in excess of 25 grams.
- Production, transport, export or import of Amphetamine (Yaba), Methyl Amphetamine in excess of 200 grams.
- Supply, purchase, sell, transfer, accept, transmit, trade, auction, possession, preservation and display of Amphetamine, Methyl Amphetamine in excess of 400 grams.
- Production, transport, export or import of Morphine, Methobromide in excess of 25 grams.
- Supply, purchase, sell, transfer, accept, transmit, trade, auction, possession, preservation and display of Morphine or Methobromide in excess of 50 grams.

Narcotics Control Act 2018 replaced the Narcotics Control Act 1990 which contained less punishment for production, transport, export, import, supply, purchase, sell, transfer, accept, transmit, trade, auction, possession, preservation and display of drugs. The Narcotics Act 2018 provided death penalty in several places which is contradictory to the international human rights laws (ADPAN, 2024; Saiful, 2024).

Armed Forces Laws

The Army Act 1952, Air Force Act 1953, Bangladesh Coast Guard Act 2016, Bangladesh Border Guard Act 2010 provides death penalty for disobeying commands, mutiny and insubordination, and abetment of these offences. The Navy Ordinance 1961 awards death penalty for misconduct by persons in command, misconduct by other officer and men, for collaborating with the enemy, for mutiny and failure to suppress mutiny, and for abetment of those offences. All the Armed Forces laws contains death penalty in them for mutiny, disobeying commands etc. These provisions also contradict the international human rights standpoints regarding the death penalty.

Current Status of Bangladesh Concerning the Abolishment of death penalty

In Bangladesh, the death sentence is the major impediment to a reformatory theory of punishment (Rahman, 2017, p. 61). The death penalty is provided for offences such as murder, treason, rape with murder, dacoity with murder, smuggling drugs like cocaine, heroin or amphetamine etc. under various criminal laws including The Penal Code 1860, Arms Act 1878, Acid Offence Prevention Act 2002, The Narcotic Prevention Act 2018 and even the Constitution of Bangladesh 1972 etc. The death penalty has become so regular that it is now demanded for acts ranging from blasphemy to rape, robbery, fraud, corruption, and road accidents. Since the beginning of Bangladesh, the death penalty has been a criminal punishment in here. For past 2 decades, extra judicial killing has become another alarming matter. Statutory organizations responsible for the maintenance of law and order were being blamed for such deprivation of life without even the due process of law (Khan, 2025; Human Rights Watch, 2021). Amnesty International (2024) states that Bangladesh has one of the highest rates of executions in the Asia Pacific region. Amnesty International observed that 912 death sentences were issued by trial courts in Bangladesh between the month of January 2018 and December of 2022, and at least 13 individuals were executed there during that time. At least 2000 persons were thought to be serving death sentences as of December 2022 (Sangiorgio, 2023). According to Living Under Sentence of Death, empirical research completed by the Law Department at the University of Dhaka, at least 101 persons have been put to death in Bangladesh since 1991 (Nazmi & Mulk, 2022). Our legal system and state apparatus have so far been unable to offer the general public an alternative to imprisonment or the death penalty (Mogumder, 2021).

Findings of the Review

Reviewing the death penalty related provisions in various criminal laws shows the grave violation of human rights in Bangladeshi context. Several international human rights instruments such as the UDHR, ICCPR, Arab Charter, ECHR etc. emphasized on protecting the 'right to life'. The Optional Protocol II of the ICCPR is a specialized international instrument on the abolishment of death penalty throughout the world. Though Bangladesh is not a member of the Optional Protocol II, it can neither deny the international standard nor the right to life. Right

to life is the inherent right of every person. From the review, it is evident that the Penal Laws in Bangladesh are providing mandatory death penalty for certain criminal offences. Mandatory death penalty is directly violative to the 'right to life' and inherent dignity of a human. There is inadequate use of international instruments in higher judiciary of Bangladesh. In the case of *Tayazuddin and others v Bangladesh*, the court invoked Article 3 of the UDHR relating to personal liberty and protection of life to substantiate its judgment. The court interpreted Article 3 of the UDHR in conjunction with the fundamental right to life guaranteed by the Constitution. Through the reference to Article 3 of the UDHR, the court explained that "the right to life, liberty and security of a person applies as much to the victim as to the accused, so that the court could weigh the liberty of the accused against the sense of security of the victim." These type of interpretation on the basis international instruments of human rights in the higher judiciary may pave the way to realizing human rights in our legal system properly.

Results and Discussion

Critical Data Analysis

For the aim of assessing the data retrieved, two different sets of questions were prepared for two different groups of people. The targeted respondents for the first set of questions were general people from varied communities, consisting of roadside businesses, security guards, cooks of university halls, indigenous people, and students. They were classified as 'people with no legal knowledge'. The second set of questions was for those who had adequate legal expertise, such as advocates, judges, professors, and human rights campaigners.

Data from Group 1

This set of questions was made considering the little legal knowledge of the respondents from first group. 30 general people from diverse societies were the targeted respondents' group for this set. 30 respondents were interviewed properly, on the basis of their scarce legal knowledge.

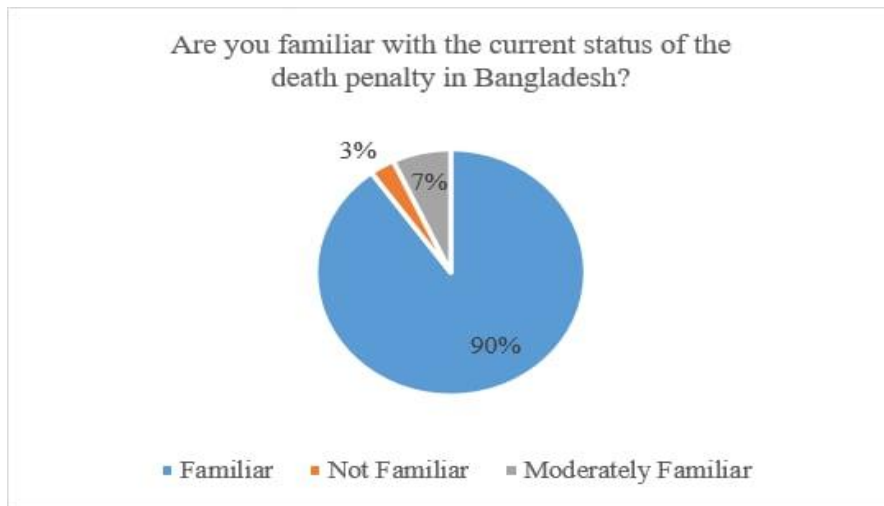


Figure 1: Demographic Profile of Respondents Familiar with the Current Status of Death Penalty in Bangladesh

This figure demonstrates that, 90% of total 30 respondents are familiar with the current status of death penalty in Bangladesh. 3% of the total respondents are totally not familiar with the current status of death

penalty and the rest 7% respondents are moderately familiar. Here, moderately familiar means that, those respondents have heard about death penalty a few times in their life but they have no idea how it works.

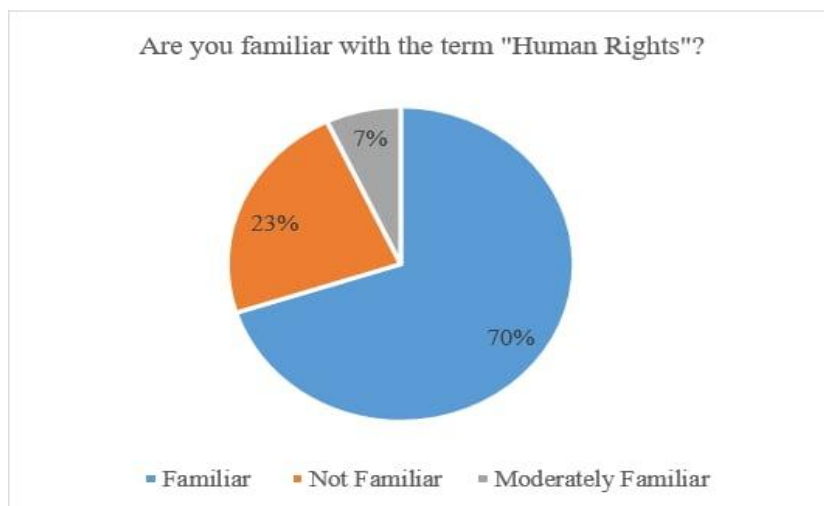


Figure 2: Demographic Profile of Respondents Familiar with the Term "Human Right"

This figure demonstrates that 70% of total respondents are familiar with the term "human rights". 23% of total respondents are not entirely familiar with the term "human rights" and the rest 7% respondents are moderately familiar with the term "human rights". Here,

the term "moderately familiar" means that, those respondents have never learned anything about the concept "human rights" but they have heard it sometimes and possess a little amount of knowledge regarding it.

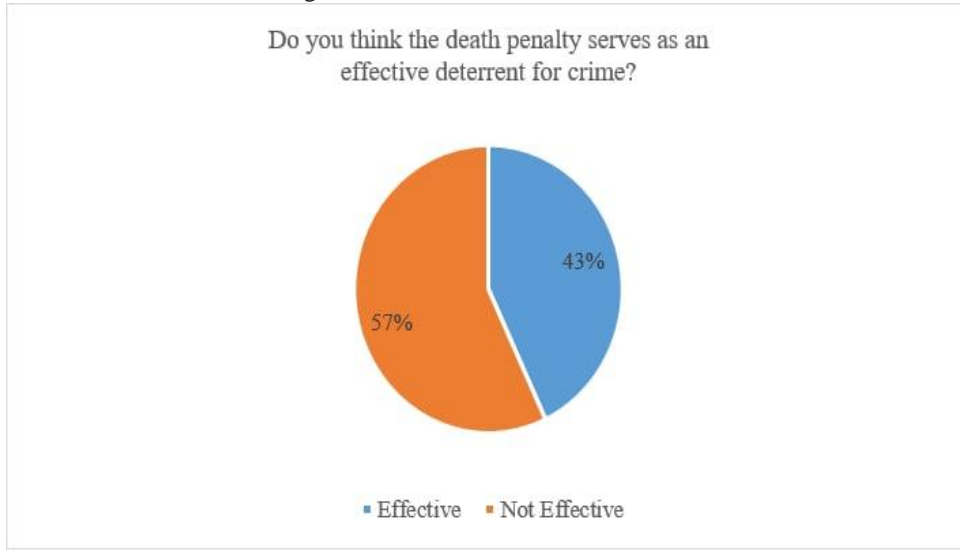


Figure 3: Demographic Profile of Respondents Who Think the Death Penalty Serves As an Effective Deterrent for Crime

This pie-chart shows that, 57% of the total respondents think the death penalty as an effective deterrent for crime. 43% of the total respondents think the opposite. They

think the death penalty as not-effective deterrent for crime.

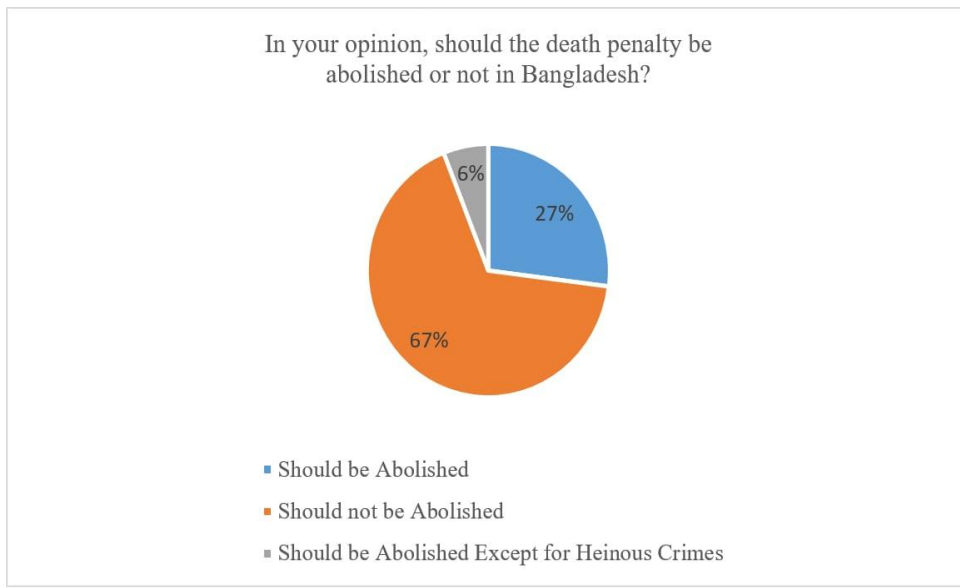


Figure 4: Demographic Profile of Respondents Who Think That the Death Penalty should be Abolished in Bangladesh

This figure demonstrates that, 27% of the total respondents are of opinion that the death penalty should be abolished in Bangladesh. On the other hand, 67% of the total respondents gave their opinion supporting the

punishment of death penalty in Bangladesh. The rest 6% respondents are of opinion that, the death penalty should be abolished except for heinous crimes such as murder, rape etc.

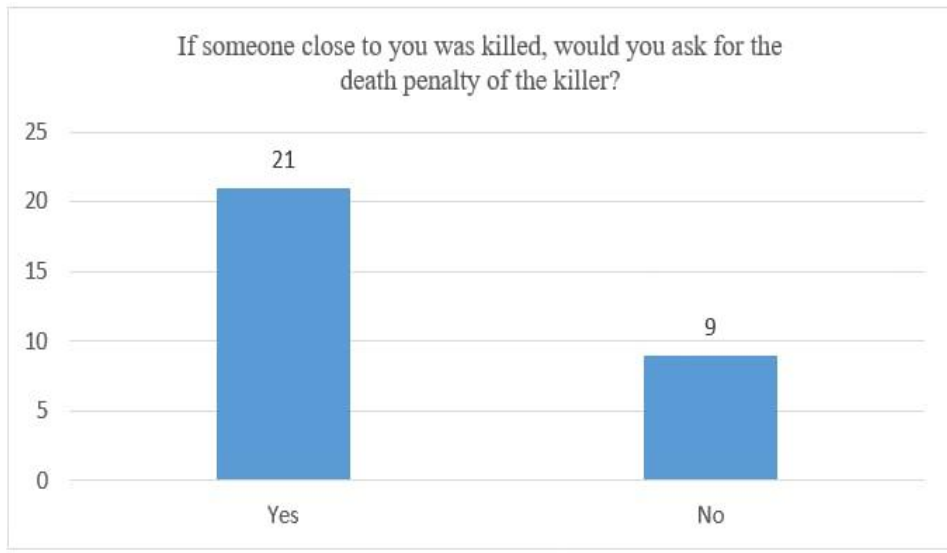


Figure 5: Demographic Profile of Respondents Supporting the Death Penalty for the Killer Who Killed Someone Close to Them

A question was asked in the interview that, if someone close to the respondents is killed then would they ask for the death penalty of the killer. In the answer, 21 of the total respondents answered that they would ask for the

death penalty of the killer. The rest 9 respondents answered that they would not ask for the death penalty of the killer rather they opined that they would want the reform of that killer.

Data from Group 2

Second group of respondents comprise of five (5) Judges, five (5) advocates, five (5) human rights activists and five (5) academicians. Considering their vast legal knowledge

this set of questions were made. All 20 people were interviewed properly and the following data has been retrieved.

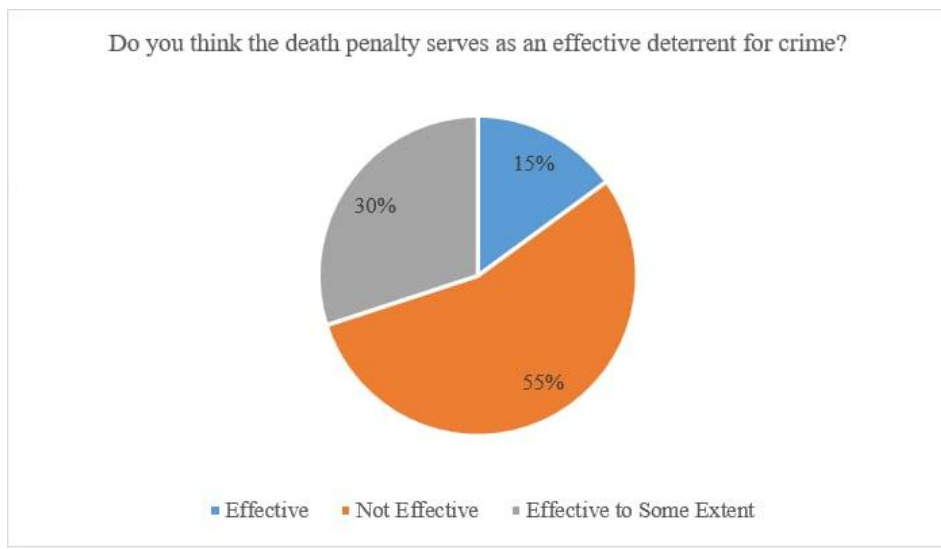


Figure 6: Demographic Profile of Respondents Who Think the Death Penalty as an Effective Deterrent for Crime

This figure shows that 55% of the total respondents don't think the death penalty as an effective deterrent for crime. 15% of the total respondents think the death penalty as an effective deterrent for crime and the rest 30% of respondents think the death penalty is effective to some

extent as a deterrent for crime. Here, effective to some extent means that the death penalty is only effective to prevent criminals from committing crimes but it is not effective as a deterrent for crimes.

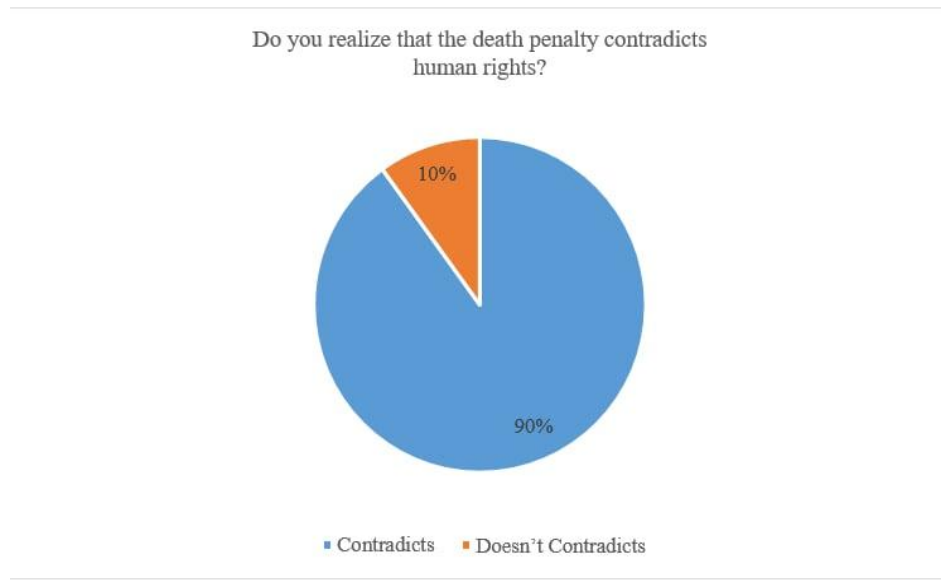


Figure 7: Demographic Profile of Respondents Think That the Death Penalty Contradicts Human Rights

This figure demonstrates that, 90% of total respondents think that the death penalty contradicts human rights. The rest 10% of respondents are totally opposite of this

opinion. They don't realize that the death penalty contradicts human rights.

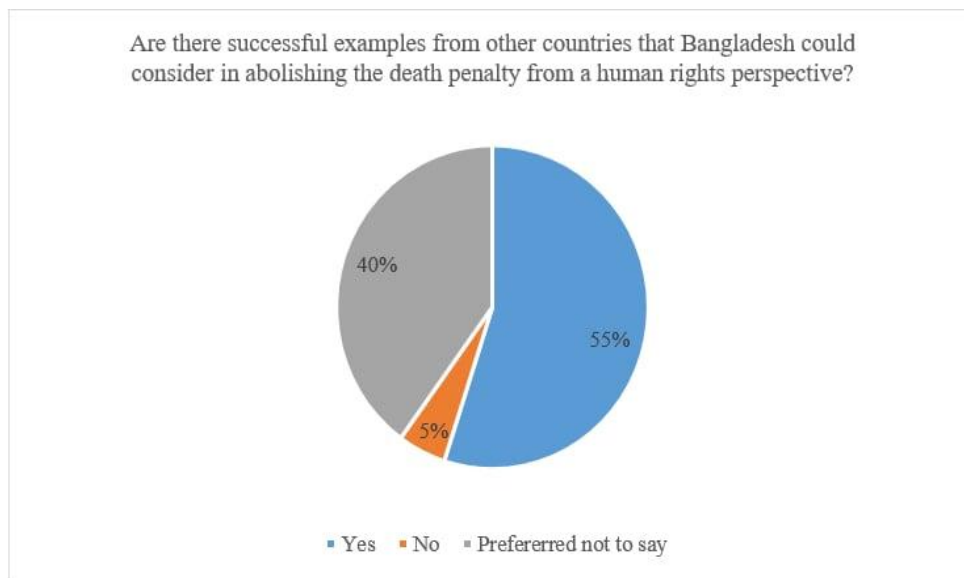


Figure 8: Demographic Profile of Respondents Who Think That Bangladesh Could Consider Successful Countries as Example in Abolishing the Death Penalty

This chart shows that, 55% of the total respondents think that there is successful example from other countries that Bangladesh could consider in abolishing the death penalty from a human rights perspective. Most of them mentioned Canada, Switzerland and some other African country while saying about successful examples from other countries. 5% of the total respondents think that

there are no successful examples from other countries that Bangladesh could consider in abolishing the death penalty from a human rights perspective. 40% of the total respondents preferred not to say anything in this regard due to their lack of knowledge about this and other reasons.

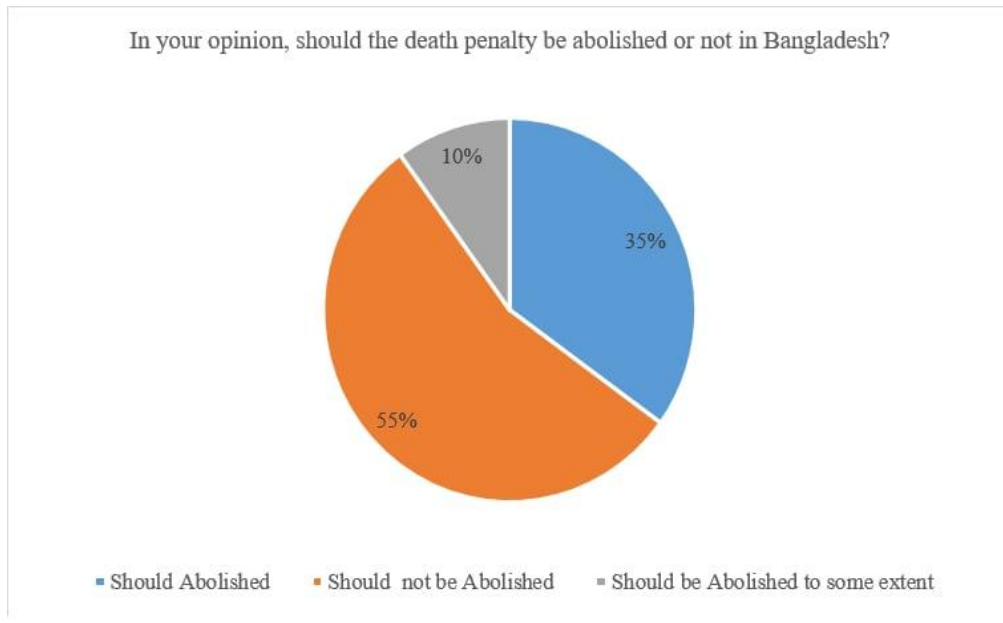


Figure 9: Demographic Profile of Respondents Who Think That the Death Penalty Should Be Abolished In Bangladesh

This figure demonstrates that, 35% of the total respondents think that the death penalty should be abolished in Bangladesh and 55% of the total respondents think that the death penalty should not be abolished in Bangladesh. The rest 10% of respondents think that the

death penalty should be abolished to some extent only. Here, to some extent means that the death penalty should be abolished for crimes other than murder, rape and any offence against the state.

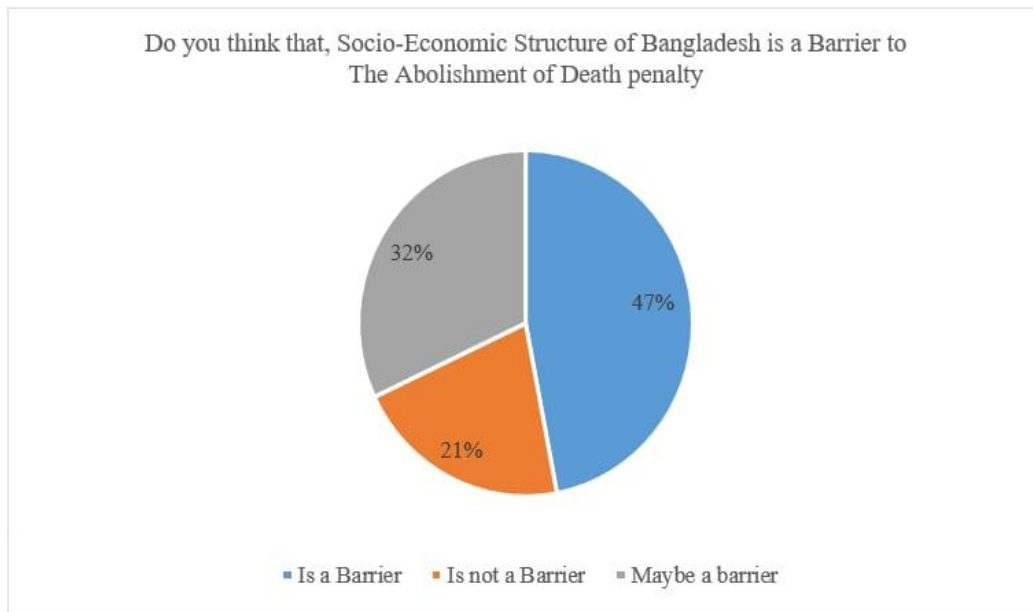


Figure 10: Demographic Profile of Respondents Think That Socio-Economic Structure of Bangladesh Is a Barrier to the Abolishment of Death Penalty

This figure demonstrates that, 47% of the total respondents think that socio-economic structure of Bangladesh is a barrier to the abolishment of death penalty and 21% of the total respondents think that socio-

economic structure of Bangladesh is not a barrier. 32% of the total respondents think that socio-economic structure of Bangladesh maybe a barrier to the abolishment of death penalty.

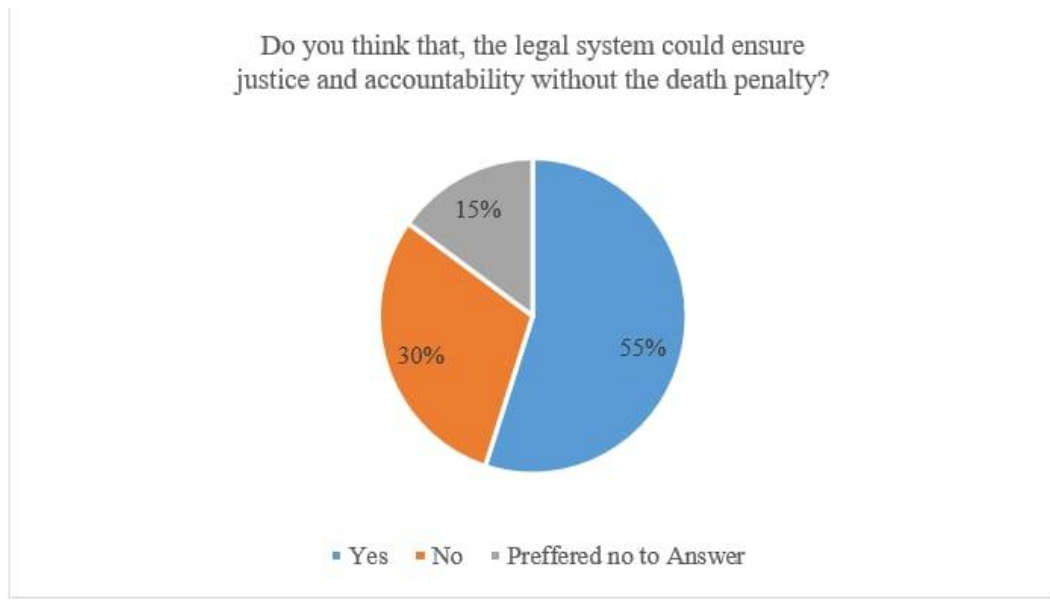


Figure 11: Demographic Profile of Respondents Think That the Legal System Could Ensure Justice and Accountability without the Death Penalty

This chart shows that, 55% of the total respondents think that the legal system of Bangladesh could ensure Justice and accountability without the death penalty and 30% of the total respondents think that the legal system of

Bangladesh could not ensure Justice and accountability without the death penalty. The rest 15% of respondents preferred not to answer this question.

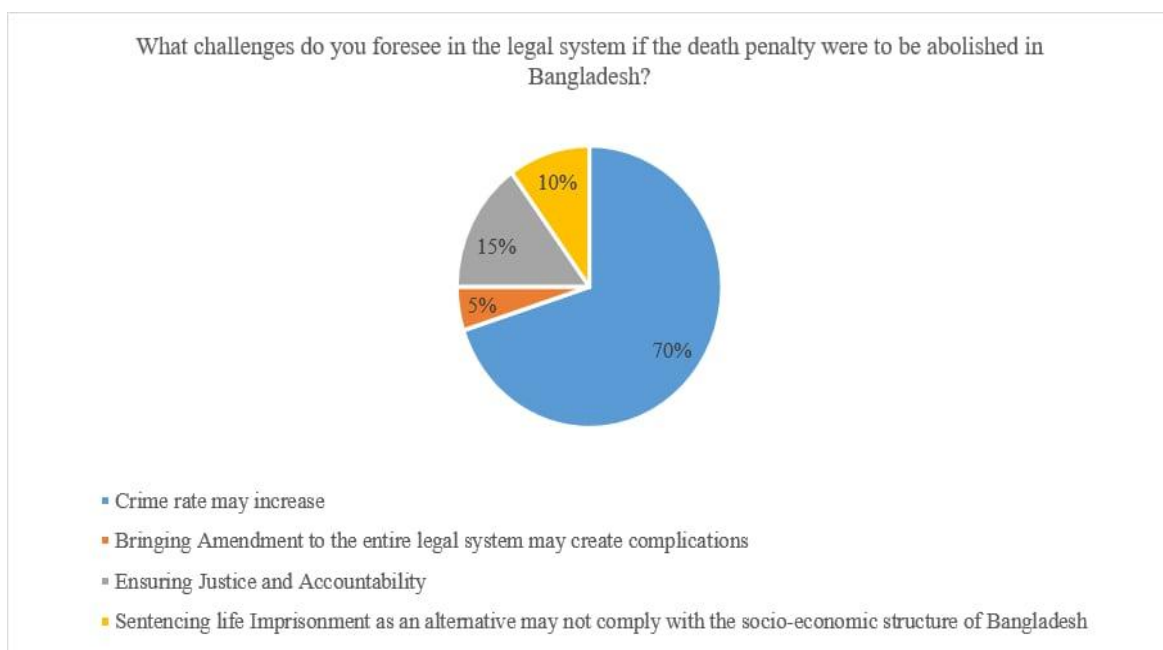


Figure 12: Demographic Profile of Respondents Foresees Challenges in the Legal System If the Death Penalty Were to Be Abolished in Bangladesh

During the interview a question was asked to the respondents, if they foresee any challenges in the legal system of Bangladesh if the death penalty were to be abolished. This figure demonstrates that, 70% of total respondents think that, crime rate may increase if the death penalty were to be abolished. 5% of the total respondents think that, bringing amendment to the entire legal system due to the abolishment of the death penalty

may create complications. 15% of the total respondents think that, the legal system of Bangladesh would face challenges while ensuring Justice and accountability if the death penalty were to be abolished. The rest 10% respondents think that sentencing life imprisonment as an alternative punishment may not comply with the socio-economic structure of Bangladesh if the death penalty were to be abolished.

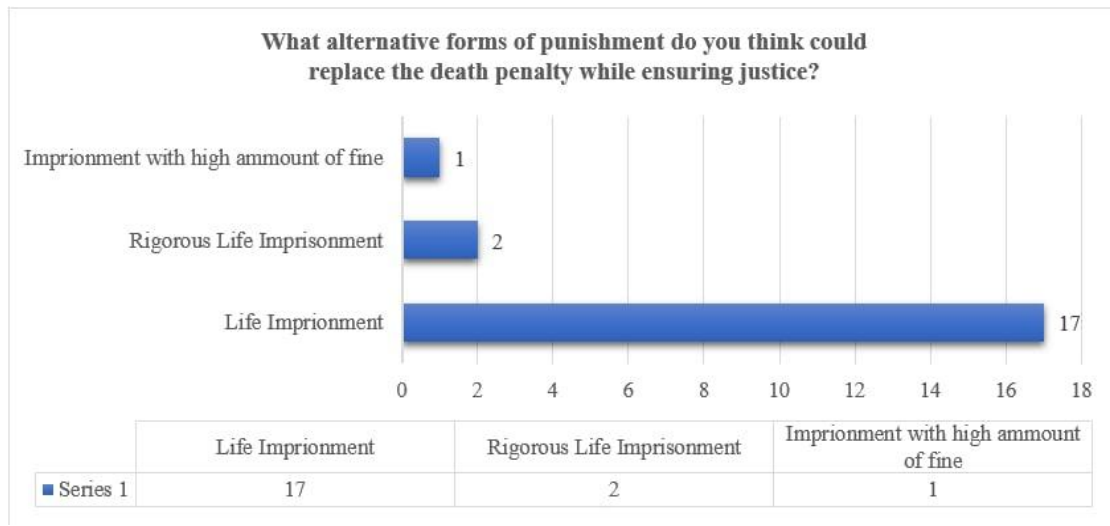


Figure 13: Demographic Profile of Respondents Suggesting Alternative Punishment Mechanism to Replace the Death Penalty

This figure demonstrates that 17 of total respondents think that, "life imprisonment" could replace the death penalty while ensuring Justice. 2 of the total respondents think that the "rigorous life imprisonment" could replace

the death penalty while ensuring justice and 1 of the total respondents think that "imprisonment with high amount of fine" could replace the death penalty as an alternative form of punishment.

Findings of the Study

Group 1

In Figure 1, it is explicit that the majority of 30 general people are familiar with the current status of the death penalty in Bangladesh. Figure 2 demonstrates that human rights is a familiar term to the majority of general people as respondents, yet a quarter percent of the total respondents are entirely unfamiliar with this term. Figure 3 demonstrates that the majority of respondents believe that the death penalty does not serve as an effective deterrent for crime, while a little below half of the total respondents believe the opposite. In Figure 4, it is evident that the majority of respondents opined that the death penalty should not be abolished in Bangladesh. Such demonstrations led this study to find that general people are against the abolishment of the death penalty as they believe it is not effective in preventing a crime from happening. Figure 5 demonstrates that the majority of respondents would ask for the death penalty of a killer if he killed someone close to them. Such demonstrations led the study to find that the general public is unaware of human rights. As a result, they tend to adopt the retributive theory of punishment without any knowledge rather than letting the convicted be reformed. Hence, this proves that the lack of knowledge regarding human rights among general people is one of the main obstacles to the abolishment of the death penalty in Bangladesh.

Group 2

From Figure 6, it is evident that the majority of respondents think that the death penalty does not serve as an effective deterrent for crime. Figure 7 demonstrates that the majority of respondents from the second group realize that the death penalty contradicts human rights. This demonstration led this study to find that the second group of respondents is aware of the human rights implications of the death penalty. Figure 8 shows that the majority of respondents from the second group are aware

of the fact that there are successful examples from other countries that Bangladesh could consider in abolishing the death penalty from a human rights perspective. From Figure 9, it is evident that the majority of respondents from the second group opined that the death penalty should not be abolished in Bangladesh. Such a demonstration guided the study that this second group is unwilling to abolish the death penalty, though they are well aware of the human rights implications of the death penalty. Figure 10 demonstrates that the majority thinks that socio-economic structure is a barrier to the abolishment of the death penalty in Bangladesh. This demonstration led the study to the illation that the death penalty could be abolished in Bangladesh, except the abolishment doesn't comply with the socio-economic structure of the country. Hence, the second portion of the hypothesis proves that the socio-economic structure of Bangladesh is one of the main obstacles to the abolishment of the death penalty. Figure 12 shows that the majority of respondents think that the increase in crime rate may be the main challenge in the legal system if the death penalty were to be abolished in Bangladesh. It is evident from Figure 13 that the majority thinks that life imprisonment could replace the death penalty while ensuring justice. After analyzing the data gathered, the author found that, though the majority of respondents believe that the death penalty should not be abolished in Bangladesh, they think that life imprisonment could replace the death penalty as a punishment, but executing life imprisonment requires a certain stability in the socio-economic structure, which creates a barrier to the abolishment of the death penalty in Bangladesh.

Prospects of Abolishing Death Penalty in Bangladesh

The death penalty is a direct and clear violation of the human rights. Human rights provide the right to life of every person of this entire earth. No state, no authority of the public service of a state can give the death penalty as

a punishment for crime, irrespective of the crime. The death penalty is permitted in Bangladesh despite of its Constitutional provision of right to life and international mandate of following international human rights standards. The following things may be the prospects of abolishing death penalty in Bangladesh:

Uplifting the International Human Rights: Bangladesh has ratified several international human rights instruments, such as the International Covenant for Civil and Political Rights (ICCPR), the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 1984, the United Nations Convention on the Rights of the Child (UNCRC), etc. All these instruments mandate human dignity and their right to live a life. The UDHR and ICCPR provide the right to life as a significant and most important right. Article 25 of the Constitution of the People's Republic of Bangladesh mentions respect for international laws and principles. Also, in clause (b) of the same article, the upholding of the rights of every person in accordance with international laws is mentioned. The constitutional promise has been made, but still the death penalty, which is a degrading punishment as well as a violation of the right to life, and International Human Rights Laws are legal in Bangladesh. The acknowledgement of the right to life without any reasonable restriction and proper respect for human rights under the Constitution can abolish the death penalty in Bangladesh.

Ensuring the Supremacy of The Constitution: Article 7(2) of the Constitution of Bangladesh enunciates that the Constitution is the expression of the will of the people of Bangladesh and that it is the supreme law of the land. Moreover, there is constitutional supremacy in Bangladesh (Chowdhury, 2010, p. 106). The preamble of the Constitution of Bangladesh mandates the realization of fundamental human rights, where the right to life is the mother of all human rights. Ensuring an absolute right to life without any reasonable restriction can ensure the mandate of the Constitution. To ensure and maintain constitutional supremacy and its promises, the death penalty can be abolished.

Implementation of Public Opinion: Public opinion can be a major deterrent to the abolishment of the death sentence. Policymakers are under pressure to change their ideas when a large part of the populace vocalizes their opposition to the death sentence. Policymakers' perspectives can be influenced by educating the public about the hazards, downsides, and moral issues associated to the death sentence. By developing forums, debates, and public presentations, people can voice their perspectives and build a more educated and nuanced grasp of the subject. Additionally, the media is highly influential in influencing public opinion. A better enlightened public opinion regarding the death penalty can be attained by transparent reporting and in-depth study. Additionally, NGOs and advocacy groups can be tremendously helpful in preparing campaigns, protests, and other events that will boost support among the public for the abolition of the death sentence.

Less Chance of An Innocent Person Being Punished: The legal system of Bangladesh is faulty enough in reality. People look for the relief to the legal system instead it increases complications. Many people in Bangladesh are being wrongfully convicted despite doing nothing sort of criminal offence (Islam, 2019). The maxim "let hundred guilty be acquitted but one innocent should not be convicted" is nothing but a fancy quote nowadays. Though it is a rare phenomenon but if the death penalty is abolished then the chance of an innocent person being wrongfully convicted and executed won't exist.

Challenges of Abolishing Death Penalty in Bangladesh
Crime Rate May Increase: The crime rate is the average number of incidents of crime in a specified period. The crime rate in a country varies from time to time. A strict maintenance of law and order may keep the crime rate under control. Data analyzed in the previous section led the study to find that 55% of total respondents think that the crime rate may increase if the death penalty were abolished in Bangladesh. Also, Figure 6 shows that the majority of respondents think that the death penalty is not an effective deterrent for crime. Another respondent answered that the death penalty is effective in preventing criminals, but it is not an effective deterrent for crimes. Research consistently shows that the death penalty does not deter violent crime; in fact, several criminological studies indicate that jurisdictions retaining capital punishment often experience higher murder rates than those that have abolished it (National Research Council, 2012; Donohue & Wolfers, 2006). Although it may not be an effective deterrent for crimes, first-time offenders; habitual offenders and even serial offenders are afraid of the death penalty. The death penalty keeps them from going on a killing spree. If the death penalty were to be abolished in Bangladesh, there is a chance that the crime rate may rise.

Bringing Amendment into the Entire Legal System May Create Complications: If the death penalty were to be abolished now, it would be a matter of great complexity. The existing provisions regarding the death penalty from various legislations have to be repealed following the abolishment. These events would lead the legal system into a major amendment, which may interfere with the usual course of the legal system.

Sentencing Alternative Punishments May Not Be Adequate: Empirical data demonstrates that the majority of respondents think life imprisonment is an alternative form of punishment for replacing the death penalty. Life imprisonment and the death penalty are both punishments that keep the perpetrators away from society. But both of these punishments possess different degrees of strictness. There are habitual offenders who are not afraid of going to prison but the death penalty may frighten them from committing heinous crimes. Also, the death penalty is an exemplary punishment, but life imprisonment is not as exemplary as the death penalty.

Sariah Law May Be Violated: Although Bangladesh is constitutionally defined as a secular state, with the Fifteenth Amendment restoring secularism as a fundamental principle of state policy (Government of Bangladesh, 2011; Bhuiyan, 2021), most of the population is Muslim by religion. Sharia Law is not a direct part of our legal system although marriage, inheritance, divorce etc. are being regulated under Sharia Law. Sharia law legalizes the death penalty as a punishment. Abolishing the death penalty in Bangladesh may hurt the religious sentiments of Muslim peoples.

Ensuring Justice and Accountability May Be Challenging: Because the death penalty is the most severe form of punishment, its removal may make upholding justice and accountability more difficult. Some opponents of the abolishment of death penalty argue that without the death penalty's deterrent impact, some horrible crimes may not be adequately dealt with, which may affect victims' and society's perception of justice. Furthermore, concerns about dangerous people being released if the death penalty is repealed may raise questions about responsibility within the criminal justice system.

Recommendations and Concluding Remarks

Recommendations

The ongoing discussion regarding the violation of human rights due to the death penalty and the abolishment of death penalty is becoming a matter of great concern throughout the world and its citizens. The Constitution of Bangladesh allows the legal system to keep the death penalty as a punishment for several criminal offences. This study empirically demonstrated the public opinion supporting the death penalty, main barriers to the abolishment of death penalty as well as alternative punishment mechanism for replacing the death penalty. Here are some recommendations to ensure an effective alternative punishment instead of death penalty:

- Life imprisonment, rigorous life imprisonment can be a fitting alternative for death penalty.
- Reformatory punishment mechanism should be encouraged instead of retributive or deterrent punishment mechanism.
- Prisoner correction system should be strengthened to ensure that every person convicted of criminal offence gets the chance to be reformed rather than being deprived of their life.
- Knowledge regarding human rights should be promoted among mass people. The Government

should undertake effective measures to do so. Some effective measures are suggested here-

- Seminar, workshops, television or radio programs could be arranged to promote human rights among mass people. Specially, seminar and workshops should be arranged in schools and colleges.
- Family is a root level platform where basic human rights can be taught to the children. For this purpose, yard meeting could be arranged to spread the knowledge regarding human rights among rural people.

Conclusion

Throughout the author's research on the death penalty situation in Bangladesh, it became obvious that public opinion, whether supporting or opposed to its abolition, can play a more important role than it already does. People in general have an inadequate amount of human rights knowledge, making it difficult for them to understand the human rights implications of the death penalty. People in here are so consumed with problems and troubles that they can't focus about anything but their daily lives. People in this mostly Muslim-majority country believe in the "retributive theory of punishment" rather than reformatory approaches. The death sentence may or may not be useful as a deterrent to crime, but it clearly breaches fundamental human rights. The right to life is an intrinsic human right that is clearly violated by the death sentence. It is about time for lawmakers to take a look at it. In debating the abolition of the death penalty, they should look to successful countries as models. Alternative disciplinary mechanisms should be investigated. Many countries have abolished the death sentence due to human rights violations. Following the assurance given in Article 25 of the Bangladesh Constitution, it is time for Bangladesh to reconsider its criminal punishment mechanism and join the campaign to abolish the death penalty by upholding international human rights legislation.

Competing Interest

The authors report that there are no competing interests to declare.

Credit Author Statement

Md Shahrier Alam: Methodology, Investigation, Data Analysis, Writing - the first draft, Writing – final draft, Review & Editing. ;

Kazi Murad Hossain: Introduction, Methodology, Conceptualization, Supervision, Review & Editing, Conclusion.

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