

EXECUTIVE SUMMARY

Chapter 1 analyses the legislative framework and institutions relating to human security to assess their consistency, relevance, simplicity and effectiveness for the benefit of the general public, focusing specifically on their relevance for the poor. It starts by describing the institutions and practices of the criminal justice system and the legislative framework for human security, listing the major acts and ordinances relating to human security (p.13).

The fact that the **fundamental rights** (p.15) guaranteed under part III of the Constitution of Bangladesh are subject to ‘reasonable’ restrictions - in the interest of state security, public health, morality or decency - is discussed. This means that the fundamental rights pertaining to human security are often subject to restrictions.

The **Special Powers Act (1974)** and its application in allowing preventive detention is discussed (p.16). The authors point out that the definition of ‘prejudicial acts’ as provided

by the Act is vague and open to wide interpretation. Data on preventive detention cases moved before the Supreme Court between Independence and 1995 demonstrates that almost 90% of preventive detention cases that have come before the High Court were determined to have been made either “illegally”, or “without any lawful authority”. Furthermore, since a large number of cases of preventative detention are not brought to the High Court, owing to the high costs of moving a petition and fear of the general public of facing the Courts, it can be assumed that the actual numbers of preventative detention cases are far higher.

The **current practices of the police in administering justice** and the lack of transparency and accountability of police actions lead to abuses of power (p.21). The report lists the numerous ways that police can arbitrarily abuse their power and explains that this has led to a serious image problem of the po-

lice in the eyes of the public. In order to achieve an efficient investigation system of criminal cases, it is suggested that the investigation procedures be made more transparent and accountable and a separate bureau of investigation be established to deal only with investigations, and not with the day-to-day maintenance of law and order.

The **anti-poor system of bail and its adverse effects** is discussed (p.22). The authors conclude that *“the entire system of monetary bail is anti-poor, since it is not possible for a man to furnish a bail bond due to poverty, while a rich man, accused of a similar crime, can buy freedom from arrest by furnishing a bail bond”*.

The **legal framework and practises relating to victims of rape and other sexual offences** are briefly outlined (p.23) (Chapter 7 deals with these issues in more detail). It is argued that there is a need to reassess the legal procedures regarding evidence as to the past sexual history of the rape victim; corroboration of the prosecutor’s testimony; and appeals against acquittal.

The legal basis and practice of keeping women and girls who are victims or witnesses of violent offences in **‘safe custody’** is discussed on p.25. The report notes *“the practice of placing women and girls in ‘safe custody’, against their will, is illegal, having no basis in any law, including the provisions of the Code of Criminal Procedure of 1898. Furthermore, the practice of placing women and girls in “safe custody” is unconstitutional, constituting a grave violation of the fundamental rights to equality, equal protection of the law, and personal liberty as guaranteed under articles*

27, 28 and 32 of the Constitution.”

Arrest without warrant under Section 54 of the CrPC is described as *“one of the most abused provisions of the legal system”* (p.26). This allows the police to arrest any person on the basis of ‘reasonable suspicion’ that he or she has committed, or is about to commit, a crime. The report argues that Section 54 allows the police to exercise a large degree of discretion, as they are *“able to arrest anyone, almost anywhere, at any time”*.

Legal provisions relating to the dispossession of immovable property are discussed on p.27. Section 9 of the Specific Relief Act of 1877 provides for ‘summary remedy’ to a person who, without consent, has been dispossessed of immovable property, otherwise than in due course of law. However, this provision also allows for major abuses as people may illegally possess property through force or influence and then get evicted, merely in order to repossess the property by applying the legal provisions under this Act.

The inadequate enforcement of the public nuisance law is described (p.28). Section 268 of the Penal Code deals with public nuisance and states that: *“A person is guilty of a public nuisance who commits any act or is guilty of an illegal omission which causes any common injury, danger, annoyance to the public or to the people in general, who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger, or annoyance to persons who may have occasion to use any public right.”* However, Section 133 of the CrPC, which deals with conditional order for removal of nuisance by the magistrate, is

seldom applied in Bangladesh.

The problems encountered by the poor under the outdated **Vagrancy Act** are outlined in p.28-29. A specially-appointed magistrate has the power to classify persons as vagrants. Vagrants are subject to punishment, may be imprisoned with hard labour or charged fines for refusing to accompany a police officer. A vagrant can also be detained in a vagrant home for an unspecified period of time. The report argues that the law is inappropriate today, when more than 80% of the population of Bangladesh live below the subsistence level.

The **main finding of Chapter 1 is that many laws and practices of the criminal justice system in Bangladesh dealing with human security are ‘anti-poor’**, having a far more harmful effect on the poor and disadvantaged than other sectors of society. The bail system, costly and cumbersome court procedures, and the wide use of discretionary powers by the police, all have more harmful effects upon the poor. This chapter also notes that there is a significant **‘implementation gap’**. A comparative analysis of figures in 1931 and 1996 on numbers of warrants of arrest issued, charge sheets and disposal of cases shows the continuing problems of inefficiency of the police and courts in processing cases.

Specific recommendations are made in order to improve the laws and legal procedures and to ensure that they do not discriminate against the poor and vulnerable (p.31).

Chapter 2 looks at two main issues: **awareness of laws and rights relating to human security**; and **access to justice**, specifically with respect to legal aid (p.33).

To gauge the **level of awareness on laws and rights relating to human security**, the

survey tested the knowledge of respondents on the following: the length of time that the police can legally detain a person without formal arrest; whether or not police may torture detainees; and which crimes can be mediated by traditional courts and which must be processed through the formal judicial system. The results of the survey demonstrated a poor knowledge of laws, rights and procedures relating to human security. For example, *only 65% of interviewees knew that police could keep a detained person in custody without a formal warrant of arrest for only one day, and 10% thought that the police could keep someone in custody for as long as they wished*. Concerning torture, *an alarming 40% of respondents believed that the police can inflict torture against detainees*.

These results indicate a critical lack of awareness on human security laws. This absence of awareness and knowledge can partly be explained by the lack of State-sponsored activities and campaigns to enhance awareness on human security issues. Low levels of literacy also contribute to poor awareness. Furthermore, the awareness-raising campaigns of non-governmental organizations carried out to date, have mainly concentrated on issues of women’s rights and sometimes human rights, and have not specifically addressed the broader issue of rights and laws relating to human security.

Based on this evidence, the authors see *“the need for intensive efforts at legal awareness campaigns and recommend a national strategy be devised to remedy the situation”*. NGOs are urged to implement this strategy, and specific topics for awareness-raising on human security issues proposed

include: the limits of police power; the prohibition of torture; and information on illegal detention. The report also recommends that basic information on human rights and human security be incorporated into the formal education curriculum.

Access to justice for the poor and legal aid are discussed in the second part of Chapter 2 (p.41). The report finds that “*most people in Bangladesh are simply priced out of the judicial system*”. The enormous costs of going to court and delays in court proceedings (see Chapter 4), and the lack of legal aid facilities has made the judicial system virtually inaccessible for the vast majority of the poor and disadvantaged. The fact that the High Court Division in Dhaka is the only court for the enforcement of fundamental rights, also makes it very difficult for litigants outside Dhaka to file cases concerning violation of their rights.

The **lack of resources of the courts** – both in terms of financial constraints and human resources—which results in inefficiency and delays—must also be addressed to make courts more accessible to the poor.

Concerning **legal aid** (p.42-47), the report argues that there has been a lack of disbursement of the legal aid fund, created in 1994. Several reasons are provided for the non-disbursement of this fund: the fact that District and Sessions Judges who are already overburdened, are responsible for administering the fund; the composition of the District Legal Aid Committee, which includes high government officials, makes it intimidating and not “client friendly”; and the complex procedures required to qualify for legal aid (see below).

For the reasons cited above, the **main**

providers of legal aid to the poor are NGOs. The report goes into detail on the activities of some of the NGOs most active in providing legal aid - BLAST (Bangladesh Legal Aid and Services Trust), MLAA (Madaripur Legal Aid Association), and BELA (Bangladesh Environmental Lawyers Association).

The problem of **eligibility for legal aid** is raised. Currently, the law stipulates a person can only qualify for legal aid if he/she does not have ‘sufficient means’ which is defined in terms of property worth Tk.100. The authors argue that this definition, restricted to possession of property, is insufficient, and recommend that the legislation be amended to allow a more liberal interpretation of ‘sufficient means’, such as in India, which would enable more poor to be entitled to legal aid.

Despite Constitutional provisions stating a citizen’s right to legal defence, there is currently **no legal obligation for the State to provide legal aid** if the pleader or accused is unable to afford the fees. The authors recommend that, the relevant provisions of the civil and criminal procedure codes in Bangladesh be amended, along the lines as in India, to ensure the provision of legal aid to the poor and the disadvantaged.

Concluding on legal aid, the report recommends, “*in the short run, NGOs providing legal aid for litigation should expand the ambit of their activities, and, in the long run, the Government should consider setting up a statutory legal aid authority to undertake this essential social welfare function.*”

Chapter 3 (p.53) looks at the role of the police in ensuring human security, and provides an overview of the perceptions of the

poor and the police themselves, on the role and operations of the police. These views were gathered from a survey of 50 stakeholders and 100 police and through participatory rural appraisal exercises in a Narsingdi village and a Dhaka slum. The study showed that police officer awareness on human rights and human security laws and procedures is very low.

Concerning **torture of criminals in police custody**, both stakeholders and the police acknowledged that this takes place, however there was a large variation of opinion as to whether or not torture was justified. Part of the reason for the use of torture in police custody stems from provisions in the Evidence Act (1872) and the Criminal Procedure Code relating to confessions, whereby interrogation through torture is often the most convenient means to secure confessions. The authors argue that amendments to these legal provisions are required, specifically to rectify existing weaknesses in investigative practices.

An indication of the **poor level of police responsiveness to the poor** was that, of 18 stakeholders attempting to file cases, 10 had to either persuade or bribe police officers in order to get them to file their case (p.55). The advisory aspects of police work—listening to citizens, providing information and referring people to appropriate services—was also considered to be inadequate, often resulting in complainants withdrawing their cases.

The **vulnerability of witnesses** (p.56) is also mentioned as a significant problem, with witnesses complaining of having to pay transport expenses, being subject to police pressure to distort the facts, and some being seriously threatened by the other side in the case. The lack of any special protection

programme for witnesses is noted and it is recommended that the police introduce a victim support scheme, under which the poor and vulnerable victims of crime can be provided special protection and support.

The **operational environment** of police officers was considered to be a major factor in influencing performance (p.57). The use of pressure by influential members of the community on the police was noted as an important reason for the poor not receiving sufficient police attention. The report recommends that rules and procedures against abuses and corruption by police officers should be developed and strictly and impartially enforced.

The **large number of false claims** (p.59) filed—often to take revenge on opponents—is expensive and time-consuming and rewards criminal behaviour. It was also noted that false complaints of rioting are lodged, often in relation to land disputes. Undoubtedly, many of the problems would be reduced, if the filing of false cases and litigation relating to property titles could be reduced, many of the problems of the criminal justice system would be reduced.

The **training of police** (p.59) was found to be inadequate. A survey of 100 constables who had served in the Dhaka Metropolitan Police for 20 years, found that 96 had received only basic training of 3 to 6 months. There is also a bias towards physical training, with little training on theory or management techniques. Budgetary constraints and the understaffing of Police Headquarters were cited as reasons for the poor record on training. The report calls for increased budget allocations for training in accordance with training needs.

Issues related to **monitoring and the accountability** (p.61) of the police were addressed in the survey, with very different views held between police officers and stakeholders. Whereas police officers considered existing standards of accountability to be largely adequate, this view was not shared by the general public, 96% of whom perceived most police officers to be corrupt. Consultations with local communities revealed that many were in favour of the creation of ‘citizens’ advisory committees’.

Motivation factors for performance of the police were also assessed (p.62). The authors recommend that motivation factors, which contribute to low levels of morale and performance among police officers, should be reviewed and measures taken to improve motivation.

Community expectations of the police are extremely low (p.63). As a result, the poor generally prefer the intervention of community leaders to resolve conflict among community members, and only go to the police as a last resort. However, it was found that the poor do want a police presence in places of intensive economic activity such as markets. The trend toward a ‘community policing’ approach is welcome.

Specific **recommendations for reform** are made regarding training; rationalisation of the police staffing structure; monitoring and performance indicators; establishing a strategic planning cell at headquarters; and reviewing salary structures. The report also recommends that **community policing** should be the focus of the national strategy for policing villages, and be introduced countrywide to facilitate community participation in crime pre-

vention and to reduce the vulnerability of the poor. Finally, the report calls for further studies to be undertaken on some complex policing issues with long-term policy implications.

Chapter 4 (p.69) looks at the functioning of the Courts and provides an analysis of perceptions of stakeholders on the timing and process of investigations, prosecution and trials, and proposes measures to improve prosecution and court services.

One of the main findings of the survey was that there is a **general reluctance to take legal action** (p.70). Some of the many reasons provided for this reluctance were: slow and cumbersome administrative procedures resulting in frequent adjournments and delays; inadequate and irregular payment of allowances to witnesses; non-recording of evidence at the first appearance of witnesses leading to their subsequent non-attendance; uncertainty of receiving summonses on time; and the huge financial costs (some not legally required) to keep witnesses in their favour, and to court officials and lawyers, to facilitate court proceedings. Interviews with police officers and members of the public identified additional explanations including human resource constraints, lack of sincerity and efficiency of trying magistrates, and corrupt practices of police and court officers, including bench clerks.

A number of concrete **recommendations to improve the situation are provided** (p.71). These include improving current procedures for citizens to be able to file cases easily and introducing measures to speed up investigations and trials (including introducing time limits); promoting greater police accountability through improved monitoring; reducing

political interference in the work of the police and promoting police professionalism; ensuring meritocratic recruitment of public prosecutors; creating a professional cadre of prosecutors through the Public Service Commission; increasing the number of magistrates and judges and improving training for judicial officers; and setting reasonable travel allowances for witnesses and improving measures for their protection.

Chapter 5 examines the functioning of the prison system in Bangladesh, focusing on aspects related to human security (p.79). Recommendations are made to improve the prison system in Bangladesh and to curb human security and human rights violations inside prisons. Specific areas of focus include overcrowding, delays in judicial proceedings, living conditions in prison, the operational environment and management of prisons, and infrastructure and facilities.

The **legal framework** for the administration of prisons is described (p.80). The fact that prisons are managed according to outdated legislation drafted during the colonial period is mentioned. Specifically, under current legislation there are no provisions for reform and rehabilitation activities to be undertaken, and the main function of prisons is to confine and punish criminals. The authors recommend that these outdated laws and procedures should be updated to institute a more humane and sophisticated approach and that modern concepts of prison reform and the protection of human rights and security should be promoted. The report also recommends the speedy implementation of the recommendations of the Bangladesh Jails Reform Commission Report of 1980.

The problems resulting from **overcrowding of prisons** in Bangladesh are enumerated (p.81). According to the survey, the phenomenon of overcrowding is severe and worsening. In 1997, it was estimated that, whereas the official capacity of prisons in Bangladesh was 21,581, the actual figure was more than double that, at 45,444. The report explains that this is largely due to the huge numbers of prisoners awaiting trial, and *‘is considered to be one of the main causes of human security violations in Bangladesh.’*

The **unhygienic living conditions** of prisoners, partly due to the problem of overcrowding, are described (p.82). The confined space that prisoners are allowed and unsanitary atmosphere are described as *‘painful examples of the denial of the legal rights of inmates.’*

Concerning prisoners’ **nutritional status** (p.83), although ordinary prisoners receive 2,800 to 3,000 calories per day, (considered satisfactory by the Institute of Public Health Nutrition), the fact that “classified prisoners” receive an additional amount of food creates dissatisfaction among ordinary inmates. The fact that prisoners are required to eat their meals sitting on the ground under the open sky is also described as unacceptable. Finally, the clothing is considered to be demoralizing and bedding inadequate. The report concludes, *‘such conditions are detrimental to prisoners’ physical and mental health, and in violation of their human rights’.*

The **recruitment and training procedures** (p.83) for prison staff are considered inadequate. Specifically, prison staff are not trained in modern thinking or practices to facilitate the reform and

rehabilitation of prisoners and have little understanding of human rights and human security issues and laws. The study revealed *“that the use of corporal punishment, such as handcuffing and the use of fetters, shows that the concepts of punitive treatment and physical repression are deeply rooted in the system.”* There are no adequately trained social welfare officers in prisons to investigate physical conditions such as food, clothing, medical care, sanitation, and water supply within the prisons, or trained social workers or psychologists to provide for the psychological needs of prisoners. The report makes specific recommendations to improve training and recruitment, including the establishment of a “Staff Training Academy” in Dhaka.

Prisons also suffer from **inadequate medical facilities** (p.84). Currently, there are no medical staff employed directly by the prison authorities, and medical staff working in prisons are ‘borrowed’ from the Ministry of Health and Family Welfare. There is also a lack of medical examination facilities. The authors believe that the Prison Directorate should have their own medical services.

In addition, there is **insufficient monitoring** of prisons (p.84). District magistrates and/or Deputy Commissioners are required by law to visit the jails once a week. However, they seldom perform this duty, therefore allowing serious violations of prison rules by prison officers often to go undetected. It was also noted that complaints from prisoners of maltreatment to inspecting officers and visitors often results in retribution on the part of prison officials. Internal assessment

procedures for the promotion of prison officials are also lacking. Corrupt practices in tendering, contracts and allocation of visiting time for prisoners are also mentioned.

The report makes a number of **recommendations to improve the performance of prisons and prison staff** in the above-mentioned areas. Notably, improved internal and external monitoring procedures should be introduced, including introducing formal channels of complaint for prisoners and increasing visitors’ access to all classes of prisoners and providing prisoners with access to court proceedings. Improving the pay and conditions of prison officers and staff, who are working under difficult conditions, could also help to curb corrupt practices. The report also recommends improving the training of the police and providing them with adequate modern facilities and equipment.

The **inadequate protection of female and child** detainees is also discussed (p.85). The confinement of male and female prisoners in the same jail, without separate areas leave women open to serious physical and sexual abuse. At the time of writing the report, there were some 257 children below the age of 16 under trial in various prisons of the country, of whom about 100 were detained in Dhaka Central Jail. In addition, there were some 5,500 adolescent prisoners between the ages of 16 to 21. These children are exposed to serious contamination by adults in the jails containing all classes of prisoners. The report calls for separate prisons for female prisoners near the larger central and district jails. Failing this, alternatively, female wards should be completely separated by a partition wall from male prisoners.

The report argues that **vocational training programmes** (p.86) currently in place are not sufficiently developed to cater for all classes of prisoners and activities are not designed or allocated to prisoners based on their skills and individual needs.

Chapter 6 reviews the functioning of the informal courts (Salish) and village courts (p.91). It is estimated that about two-thirds of disputes never enter the formal court process and are either settled at the local level, through informal settlement by local leaders or a village court, or remain unsettled. This chapter assesses people's awareness of these courts, examines perceptions concerning people's preferences concerning informal versus formal court systems, looks at the links between informal systems and law enforcement agencies, and provides recommendations to improve the functioning of these informal courts.

The report notes that, given settlement of cases through the formal courts is both expensive and time consuming, **Salish** councils provide a welcome alternative, especially for the resolution of small disputes (p.92-93). The option of conciliation through mediation is particularly favoured by women and the poor. The survey found that Salish councils are the preferred mode of conflict resolution, followed by village courts and district courts. They also enjoy a high rate of success in terms of settling cases. Based on the evidence of popularity and effectiveness of the Salish, the report recommends that Salish should be strengthened and calls for the adoption of best practises in recording, conducting and reaching final conclusion of cases based on experiences to date.

The **historical development and functioning of the village courts** is described (p.93). As the Union Parishad, or lowest tier of decentralized government is responsible for the functioning of these courts *and 'little effort has been directed at establishing an independent local government body...the functioning of the village court system should be understood in this context.'*

The **views of stakeholders and court officials** (p.94-97) concerning the quality of arbitration, efficiency of the courts, and opinions concerning the degree of power that the courts should hold were mixed. Whereas 33% of court officials were of the view that the powers of the village courts were inadequate, only 4% of citizens shared this view. With regard to perceptions on the degree of adherence to village court rulings, whereas 67% of court officials felt that verdicts were largely adhered to, this compared to only 25% of citizens. It was also noted that the institutional affiliations and socio-economic and political backgrounds of court officials meant that their relations to other institutions, particularly the police are open to influence, and 50% of court officials perceived that outside influences affect the functioning of village courts, namely local political leaders, community leaders, and wealthy and influential individuals in the community.

The **effectiveness of village police** is also discussed in the report (p.97). Both village court officials and the general public agreed that the size of the village police force is too small, and that village police lack educational qualifications, professional training, and sufficient pay and allowances. *73% of officials who participated in the survey main-*

tained that if the village police was strengthened and sufficiently empowered, law enforcement in the villages would improve substantially.

Specific **recommendations to improve the functioning of the village courts** (p.99) include providing administrative and logistical support to the courts; ensuring that village court officials receive adequate training to carry-out their role; and increasing awareness among the rural population on the jurisdiction and power of village courts.

Chapter 7 (p.101) looks at the problems of violence and repression against women and children. It is noted that, despite the existence of constitutional guarantees and legislative safeguards, women continue to face various forms of violence, harassment and degradation. In addition, given the current socio-cultural environment, victims of gender violence rarely enter their grievances in official records and therefore, information on violence against women is based mostly on occasional media reports.

The study examined the **Dowry Prohibition Act (1980) and the Repression against Women and Children (Special Provision) Act (1995), and the inherent difficulties in their application**^a. The study concentrates primarily on the forms of violence dealt with by these two Acts.

The **major trends in violence against women and children** are outlined in detail (p.102-105). It was noted that, between January and August 1996, there were 3,123 reported cases of violence against women. These included 40 cases of acid-throwing; 735 of murder; 904 of physical torture; 47 of trafficking in women and children; 45 of illegal

trade in women; 279 of dowry-related violence; 50 related to maintenance; and 1,017 cases of suicide. The total number of complaints of violence recorded by the Ministry of Women & Children's Affairs per year between 1991 and 1996 was over 1,000, with 1,778 in 1996, however, it is noted, that these are conservative estimates and the actual figures are likely to be far higher. These data indicate that violence against women in the country is a serious social, economic and legal problem.

The report goes into some detail on the **main phenomena of violence against women, namely dowry-related violence, family violence, acid-throwing and rape and sexual abuse** (p.102). It is noted that many of these types of violence pose particular challenges to the police and legal system, as they happen within the confines of the home. The problem of **rape and violence against women in custody** is also discussed. The cases of Yasmeen and Seema, which received significant media attention, are examples of gross violations of human security in police custody.

Trafficking and prostitution of women and children is also discussed (p.104). Impoverishment often compels women and children to search for better prospects, frequently placing them in highly vulnerable situations, where they are lured by procurers or pimps with promises of wealth and an easy life. The employment, however, is not usually of the kind expected, and they become unwitting victims of illegal trafficking and exportation to foreign countries for sexual exploitation. Young girls are also lured into prostitution and trafficking through marriage proposals. The report notes that many parents realize their mistake only

^a As the Update of this report notes, new legislation introduced in 2001 has attempted to solve many of these difficulties with mixed success.

after the occurrence of several such incidents, by which time it is too late to help the girls, who end up in India, Pakistan, or the Middle East with their new masters.

Suicide (p.105) often a way of escape for women from abusive family conditions. Suicide rates are also high among victims of dowry-related violence. Victims of rape often resort to taking their own lives to escape the shame and dishonour brought about by their victimization.

The laws dealing with gender violence are enumerated. However, the report notes that, despite the existence of numerous laws, **difficulties remain in law enforcement**. The principal reasons behind poor enforcement are noted as:

- ✎ Poverty and adverse socio-cultural norms;
- ✎ Non-literacy and lack of legal awareness;
- ✎ Incomplete coverage of incidents of violence by the media;
- ✎ Ineffective implementation of laws and inadequate protection of women by the police;
- ✎ Paternalistic legal system which often puts the burden of proof upon women; and
- ✎ Lengthy and cumbersome legal procedures which deter women from taking legal action.

The **low level of convictions and high percentage of acquittals** of perpetrators of violence against women under the Repression Act of 1995 is discussed (p.105). This is partly explained by the “*general disinclination of the judiciary to mete out exemplary punishment against persons accused of violence against women*”.

The low number of convictions and prevalence of acquittals is also attributed to **ineffective and improper police investigations**. Specifically, statements of witnesses are rarely recorded at the relevant time; victims are not properly examined; garments of rape victims are seldom seized and specimens are not collected; investigative tests are not carried out; there is a lack of medical experts; and non-professional post-mortems often take place, producing incorrect results in favour of the accused.

The report describes serious **defects in the Repression against Women and Children Act of 1995^b** (p.109). Specifically, there are many forms of aggression affecting women and children in Bangladesh, which do not warrant legal action because they do not fall within the purview of this Act. For example, wife battering, incest, sexual harassment at work and on the streets, and other forms of abuse, including psychological torture, are not included in the Act.

The report also maintains that there is **inadequate governmental and political intervention** (p.109). The report considers that the infrastructure in place to prevent violence against women and children needs to be mobilized into action and be given executive and legal power. It is also of the view that there is a conspicuous absence of political will to eradicate violence against women and children and “*a most unfortunate aspect of administrative disability is the unwillingness of the Government to punish the offenders in cases where law-enforcing agencies themselves become perpetrators of violence*”.

^b It should be noted that the introduction of new legislation, namely the Women and Children Anti-Oppression Act (2000), has since attempted to address many of these issues. This is discussed in greater detail in the Update at the end of this report.

Violence against women therefore consistently fails to receive adequate attention as a major issue.

The chapter concludes that “*The problem of violence against women will not simply disappear with the imposition of severe punishments enshrined in elaborate legal enactments; rather, it will require changing the deep-rooted perception that women are inferior to men and therefore dispensable*”.

Key recommendations (p.110-112) are made to improve the human security situation of women and children.

The **last chapter** of the report, provides an ‘**Update and Conclusions’ on developments regarding legislation** (the introduction of new laws and the continuation of laws considered to be open to abuse), and provides **recent data** giving a picture of the situation with regard to the effectiveness of the police, the judiciary and the prison system.

Concerning **developments in legislation**, three new laws have been introduced since 1998 which have an important impact on human security in Bangladesh – the Suppression of Violence Against Women and Children Act (2000), the Public Safety Act (2000), and the Law and Order Disruption Crimes Act (2002). The main substance of these laws and a brief critique is provided. Certain laws that have been proven to be open to abuse in the past are still in existence – namely Section 54 of the CrPC and the Special Powers Act (1974) – and some recent

figures on the numbers of persons detained under these provisions are given.

A table providing data on the **comparative performance of the police and courts** from 1931-2001 provides a snapshot of key trends in the efficiency of institutions responsible for guaranteeing human security. From these figures it is apparent that there are still enormous challenges ahead to improve the efficiency of prosecutions and investigative procedures, to relieve the backlog of judicial proceedings and to solve the problem of overcrowded prisons.

However, recent **efforts to increase awareness amongst the population and national institutions on human security issues**, and programmes to improve the capacity and efficiency of law enforcement agencies, the judiciary, the Salish and community policing are recognised. The important role that the media and civil society organisations have played in bringing attention to human security violations is also noted. All of these efforts must continue.

The report **concludes** with some final suggestions on the way ahead. The main thrust of the recommendations provided in the report is on implementation—the mechanisms, processes and implementers—to improve the human security situation. The report challenges political leaders to take a hard look at implementation issues and assume responsibility for devising and monitoring appropriate reforms.