

# Murder in Police Custody: Whither Rule of Law?

by Md Asadullah Khan

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IT'S hard not to be shocked and alarmed by the manner in which police excesses have exhausted the patience of the citizenry. Without contradiction, the killing of Shamim Reza Rubel who was allegedly tortured to death while he was in the custody of the Detective Branch (DB) of Dhaka Metropolitan Police (DMP) on 23 July night is a gruesome reminder of the law of jungle that prevails in Bangladesh. As all manner of evidence suggests Rubel, a meritorious student of the BBA final year in the Independent University who passed SSC and HSC examinations with star marks was least likely to be a hardened criminal that such brutal torture would have to be inflicted on him.

The police in the country have all manner of extracting confessions: hanging suspects from the ceiling or fan by their feet, beating at limb joints, pouring hot and cold water on head, inserting potato or boiled egg into organs, dusting powdered chilli on eyes, hitting by the rifle butt, giving electric shock, uprooting nails, compelling to drink urine — and last but not the least bone crushing whacks with rulers. In Rubel's case the method of torture employed took all those ingredients to new heights, far exceeding the medieval atrocities.

Despite the fact that torture in police custody is a punishable offence, police will resort to all sorts of brutal meth-

ods to interrogate an arrested person. If arresting crimes only make room for bigger crimes resorted to by the people trying to curb crimes, and at the same time if the method employed creates suspicion, despondency and erosion of respect for the rule of law in the citizenry, then the necessity of law enforcement agency must be open to question. Rubel was assaulted grievously, his head repeatedly crushed against the light post in front of his house in the Siddheswari area, which people of the locality themselves witnessed. Could any law enforcer either in DB Branch or in uniform indulge in such macabre activities that borders on criminality par excellence? Strange enough, some body chewing guava in the precincts of his house would just be picked up and finished to death! We can find its parallel in the atrocities perpetrated during the days of the liberation war when masked Al Badars and Razakars picked up innocent people from their houses and eliminated them.

On a larger canvas, the country presents an awesome maze of rules but very little compliance, especially by those holding the long arm of the law. The atrocity on Rubel was perpetrated by a team, headed by a senior officer of the rank of Assistant Commissioner in the DB Branch, which included an SI and three constables. That shouldn't be surprising. There is no dearth of officers willing

to junk the concept of human rights. The law enforcement agency personnel these days have almost taken it upon themselves the right to extort confessions through torture. People in the country are aware of reports made public by the officials of Co-ordination Council for Human Rights in Bangladesh that have confirmed grave allegations levelled against the country's law enforcers. The report goes so far as to say that a good number of senior ranking officers are cynical of the rule of law; that they have little regard for the efficacy of the courts, that they believe in having greater freedom to resort to extra-legal methods. May be the hard-liners are in a minority on a lot of the issues raised. But experts point out that their capacity to do damage is incalculable because of the vital positions they (senior officers) occupy in the law enforcement machinery.

The most disturbing revelation is that there are officers who have misgivings about the very concept of human rights — or for that matter even democracy. One might ask if it should happen in a democratic society. So says a former head of police organisation. "Whatever their training inputs the organisation sub-culture takes over, and

whoever talks of human rights is considered soft or worse, unpatriotic". There is a growing feeling in a section of the high-ups that the police should resort to any means to curb crime and it's not practical to observe human rights. Reports are also there that torture of an alleged offender is often resorted to extract kick-backs that these otherwise innocent people have to comply with to escape brutality to the point of being maimed or killed. Shockingly, these people in uniform or plainclothes represent any legal regulation of law enforcement. That means they want no legal accountability of their excesses.

At least nine deaths in police custody were reported in the country last year and 13 in 1996. During the last 25 years 18,911 deaths — an appalling number indeed — were reported either in police or jail custody. Most of these, the law enforcement agency claims, were natural deaths! During the period, total number of allegations of killing, repression and bribery, including 5867 cases of women repression, was more than 90,000.

In the light of excesses resorted to by the police at all levels, it is most important for the government to think seriously

about introducing a "human rights module" in the training of police executives, especially, what has simply stunned people is that hard liners are still very much unfazed by the increasing frequency and variety of custodial violence. The death of Sheema Chaudury, a 17-year-old garment worker, in Chittagong and the case of Yasmeen who was first raped and then killed by some policemen in Dinajpur in 1995 give eloquent testimony of the brutality and depravity of a section of the people in uniform. True, the killing of Rubel must be construed as a shameful barbarity committed not by a band of outlaws but by a few members of the police force employed and maintained not for doing any scientific research or teaching in schools and colleges but to enforce respect for and establish the rule of law in the country.

But it seems the police were bent on superseding the record of depravity that usually occurs in the roads and market places resorted to by some hoodlums. We don't know what prompts these law enforcers to commit crimes that would shame even the most hardened criminals. How come this guarantor of public security is fast becoming a threat to civilised norms or

order? Of course police crimes, atrocities and corruption have become commonplace occurrences and people are afraid to approach law enforcers for redress of their sufferings. Police crimes against individuals or groups provoke popular outcry when only fatality results. And after an incident becomes public, the immediate reaction the authorities show is to close the offending member. In most cases, penalty goes no farther and the enforcement branch forgets as soon as the agonised public forget.

The disturbing incidents such as Rubel's killing reinforce the experts' suggestion that the Bangladesh Police Academy should do a psychological profile of all its new recruits as well as others in the service after an interval of some years to locate and cure all "sadistic tendencies" and "inclivity to violence". Experts also suggest that BPA could do with a trained person to undertake the highly sensitive task of treating the "negative traits."

The looming spectre of terrorism, extortionism and hijacking is now a standard excuse to throw all civil liberties to the winds. A section of senior officers in police administration believe that in "hostile situations", the police are justified

in resorting to extra-legal methods or in denying fundamental rights to terrorists and their likes. On the other hand senior officers in the police administration also criticise the tendency among the investigating officers to blame their superiors for the excesses. So says a senior officer in the police administration, "No policeman is obliged to carry out illegal orders." Paraphrasing the truth, the police in recent times have begun to gloat over the killings and this is what has got the force into this spot. That means we are getting into a society that will be forced to pay a heavy price for such brazen acts of a section of the evilminded people.

Even in situations when insurrections prevail in certain areas, none, perhaps even senior police officials, would agree that police be justified in liquidating terrorists just on suspicion. In the case of Rubel he was very much in police custody and was not either fleeing or did fire a shot in self-defence that might have prompted the custodians to kill him just within three hours of his arrest by the police. Even an old distraught and tormented father could not know the grounds of his son's arrest, or torture. If for argument's sake, it was taken for granted that Rubel had complexity with certain crimes, the interrogation could have continued for hours, or even for days. Meanwhile, Prime Minister Sheikh Hasina's directive to

hold a judicial probe by a retired Supreme Court judge into the killing of Shamim Reza Rubel in police custody is a landmark order which may to an extent now check excesses, atrocities and elimination practised by the police. Precisely true, in recent times some police officers had begun to brag about their "achievements".

Shockingly, despite the fact that so many deaths have taken place in police custody during the last few years there was hardly any survey conducted so far as to what went wrong in the affairs of the police. Unless such a survey is conducted and its lessons incorporated in the curriculum for trainees, things would not augur well. Precisely true, there is much that the government and the courts can learn from the findings of such survey. Not infrequently, experts are pointing their finger at the present nature of judicial delays for many of the ills.

Most cogently, Prime Minister's assertion while visiting the house of the deceased Rubel that she was always vocal against such process of oppression and its elimination could only be achieved by establishing the rule of law, where none would be discriminated against. But the truth of the matter is that there will be no perceptible change as long as laws are violated with impunity.

The writer is Controller of Examinations, BUET.

## Himalayan Knowhow Helps English Hills to Blossom

Hill farmers have a tough life in Nepal, one of Asia's poorest nations but they have learnt to overcome many problems by assisting each other. Now, reports Gemini News Service, they are helping to show a British counterpart how to make better use of his uplands.

INTERNATIONAL aid normally flows from the industrialised North to the developing South. But two Nepali farmers have been reversing the trend.

A married couple, Kanchi Ghalemi and her husband, Chiring Tamang, are helping a British farmer, Ben Campbell, to terrace steep hillsides on his smallholding near Todmorden, northern England.

Campbell is no ordinary farmer, however. He is also an anthropologist at the University of Manchester, and, for more than a decade, has studied Nepalese farmers' cooperative working practices.

He has often stayed with Ghalemi and Tamang, on one occasion for two years, and speaks fluently their ethnic group's unwritten language.

This year, he invited them to visit him in June and July, partly to repay their hospitality, but also to learn from them. Tamang is surprised at how little arable farming there is

around Campbell's smallholding in the Pennines, the hills that are said to form the "Backbone of England". These are dwarfed by the Himalayan heights around Ghalemi and Tamang's village of Tenglu, Rasuwara district, 2,100 metres above sea level.

"Here, it seems there is so much land available that isn't being used compared with the situation back home, where there is very little land left for people to use because the inheritance system works to sub-divide plots of land into smaller and smaller pieces between the inheriting sons," says Tamang.

Campbell has only recently moved to the smallholding, but has experience of hill-farming systems in other countries. With this knowledge, and the help of Ghalemi and Tamang, he aims to prove that more can be accomplished in the Pennines than grazing sheep.

He is terracing two of his seven acres and intends to grow a range of crops, including some

from Nepal. He knows he will need help to do it and hopes to attract people who like to spend their weekends working on organic farms. He has successfully grown two new crops — Nepalese varieties of barley and wheat — but has had less success with high-altitude maize.

He is also planning to plant anamranth, the purple flower that was grown as a sacred crop by the South American Inca people.

The only pests with which he has had to contend are slugs, which ate the first planting of barley and maize.

Back in Nepal, Ghalemi and Tamang face much larger pests whose number have been growing as a result of conservation laws, passed in the Seventies, setting up national parks. The legislation covers the land around their village, and park

Geoff Tansey writes from Todmorden, England



Nepali farmers Kanchi Ghalemi and Chiring Tamang, and British anthropologist Ben Campbell. Cross-fertilisation

regulations prevent farmers from protecting their crops and livestock by killing wild animals such as the potato-loving wild boar and porcupines.

"It's a very hard life back there," says Tamang, who has left his village for the first time to make this trip. "You have to work all day long, and at night

you have to guard against the wild animals that come to feed on the crops."

Parks legislation has also restricted farmers' access to bamboo. They used to cut it freely to make baskets as a way of supplementing their incomes. Now, on only two occasions a year, they are allowed, for a fee, to take what they can carry.

It is not enough for the year, says Campbell. They used to trade the baskets with lowland groups for grain, which gave them some food security when

times were hard. But they are no longer able to trade in bamboo products.

The government is setting up buffer zones in which the rules will be eased, which may help the hill farmers, who farm part of the year as a household working their own land, usually in winter, and partly in communal work groups during busy periods.

"Anything from three to 20 people at one time can be involved in these groups," says Campbell. "They work different farms every day so that everyone's farm gets attended to."

The atmosphere is relaxed and friendly. They sing songs, eat snacks together and there is a good dynamic to the day's work. If people are not there on

time, and don't put in a good day's work, they'll not be invited to join the group next year. So there's a self-regulating principle built into it."

Campbell is currently working on a research project, "Himalayan Biodiversity and Human Interests", which is supported by a British government grant. He hopes that his findings will help convey villagers' experiences and problems to the Nepali authorities. Without more government support for agriculture, he says, Ghalemi and Tamang's village, and other hill communities in Nepal, will continue to face hard times.

The author is a freelance writer specialising in food and farming.

## National Computer Programming Contest 1998

organised by Proshika in collaboration with The Daily Star  
5th August 1998 Hotel Sheraton Dhaka Bangladesh

## Teams of the First Contest

by Rezaul Hassan



Profile of teams will give participants and would be participants some ideas as to the quality of participation. In one of the earlier articles, it was listed the names of participating institutions together with the number of teams. Fifteen, 6 and 4 teams will be representing BUET, Dhaka University and North South University respectively. Number of aspirant teams exceeded 126 and the organisers had to increase the number of teams from 35 to 50 to meet a portion of the demand. It is encouraging to note that organisers have considered two teams consisting of relatively young members — one from the Govt. Laboratory High School and the other from British American School. In order to satisfy inquisitiveness and arouse interest in youngsters we are highlighting profiles of participating teams.

Let us start with BUET — the largest participating institution. As is well known, BUET still attracts the most meritorious boys and girls of the country. Moreover, of about 700 students getting admitted into BUET, the topmost 60 come to the Department of Computer Science and Engineering (CSE). This year 60 positions have been filled up by students having admission test merit within the top 63. Such is the interest among our youngsters to get education on the latest most versatile computer technology. Number of aspirants is more than ever before. Most of them have been satisfied with getting admitted into other departments. Considering the interest and prospect of the technology, intake should be at least doubled to enable these bright students pursue their education according to their own choice.

In spite of having relatively young faculty members, CSE Department has been attracting the best students since its inception. Half of its graduates have either been continuing with their higher studies or entered into professional life in advanced countries. Students and graduates of this department have always excelled in programming skill. Areef Reza, a graduate and teacher of the department, has recently been awarded prestigious Quest for Java by the Association for Computing Machinery (ACM). For the first time a team from BUET participated in the World

Finals of ACM ICPC at Atlanta in February this year.

Moreover, CSE students (also 2 students from EEE department, BUET) have been performing very well in the Internet problem-solving forum. Of the nine students, promised by Dr. Mohiuddin Khan Alamgir for award of Taka one lac world computer systems each, 8 come from CSE department. In a reception held on 25th of July at IEB, Bangladesh Computer Society awarded crests to 15 talented students for having occupied 3rd position in Programming Contest organised by Computer Jagat in 1992. Mustaq stood first in BUET Admission Test. They participated in the Regional Contest to occupy 4th position. Mustaq, Monir and Hasanat are occupying respectively 8th, 6th and 19th position in Valladolid contest.

Team: Shangsaptak — BUET consists of Ferdous, Farah and Masud all of whom scored centuries in the Valladolid contest occupying 10th, 13th and 11th positions respectively. Farah stood 7th and 1st in SSC and HSC examinations respectively. Farah is the only girl scoring century and accorded reception by Bangladesh Computer Society.

Team: Lubdhak — BUET consists of L4T1 CSE students Newton, Zia and Asad. Newton and Zia are both centurians having 17th and 16th positions respectively in Valladolid contest. This year they participated in the national contest and occupied 3rd position.

Team: Phoenix — BUET consists of Mahbubur Rahim Khan, Junaed Saif and Shahrar Masud. All L2T2 students of CSE, BUET. Mahbub had 16th position in HSC examination, whereas Junaed occupied 18th and 14th respectively in SSC and HSC examinations. Shahrar occupied 14th position in the HSC examination. All of them have good scores in the Valladolid contest.

Reaz having a CGPA of 3.97, whereas Tanbir is a L2T2 student. Tanbir had position in SSC Examination. In terms of the results of Valladolid contest they are ranked 2nd.

Team: Mirage — BUET consists of Mustaq Ahmed, Monirul Abdein Pappana and Mojahedul Hoque Abul Hasanat. The first two are L2T2 students of CSE Department, whereas the third member is an L2T2 student of EEE Department. Mustaq occupied 3rd position in Programming Contest organised by Computer Jagat in 1992. Mustaq stood first in BUET Admission Test. They participated in the Regional Contest to occupy 4th position. Mustaq, Monir and Hasanat are occupying respectively 8th, 6th and 19th position in Valladolid contest.

Team: SKY-BUET consists of Shaiful Alam, Abul Khayes Akanda and Eunus Ali all of L4T1 of CSE, BUET. All of them have so far honours marks in their undergraduate courses.

Team: Karabi-BUET consists of Sukanta Pramanik, Subrata Saha and Mursalin Akon. Sukanta had positions in both SSC and HSC examinations. Mursalin loves to work with JavaScript. All of them are L2T2 students of CSE, BUET.

Team: The Master Minds-BUET consists of Tapon Kumar Paul, Muniruzzaman and Ahsan Ali. Tapon had position in both SSC and HSC examinations, whereas Ahsan had position in SSC examination. Muniruzzaman, although an EEE student, has a serious interest in programming.

Team: Challenger-BUET consists of Nazrul Alam, Abdullah Al Mamun and Enamul Azim — all L2T1 students all of L2T2, CSE, BUET. Nazrul Alam occupied a merit position in HSC examination, whereas Abdullah-Al-Mahmood had position in SSC Examination. The later stood 1st in BUET Admission Test.

tively in SSC and HSC examinations. Rajesh occupied position in the HSC examination. All of them are L3T2 students of CSE, BUET.

Team: Kingshuk-BUET consists of Shubhashis Ghosh, Ashiqur Rahman and Mefutuddin, all L4T2 students of CSE, BUET. Ashiq had merit position in HSC examination, whereas all the three have excellent CGPAs.

Team: Nightingale-BUET consists of L2T2 students Hemayet Hossain, Aminul Haq and Shoruzzaman. All of them are scholarship holders and have reasonable score in Valladolid contest.

Team: Delta-BUET consists of L4T1 students Zahangir, Monica and Dilshad. Zahangir occupied 3rd and 7th positions respectively in SSC and HSC examinations whereas Monica had position in HSC examination.

Team: Sky-BUET consists of Shaiful Alam, Abul Khayes Akanda and Eunus Ali all of L4T1 of CSE, BUET. All of them have so far honours marks in their undergraduate courses.

Team: Karabi-BUET consists of Sukanta Pramanik, Subrata Saha and Mursalin Akon. Sukanta had positions in both SSC and HSC examinations. Mursalin loves to work with JavaScript. All of them are L2T2 students of CSE, BUET.

Team: The Master Minds-BUET consists of Tapon Kumar Paul, Muniruzzaman and Ahsan Ali. Tapon had position in both SSC and HSC examinations, whereas Ahsan had position in SSC examination. Muniruzzaman, although an EEE student, has a serious interest in programming.

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## Ensuring Food Security in the Region

SAARC People's Forum — the groups working with rural farming and food producing communities, and environmental and developmental organisations in the South Asian countries — met in Colombo on July 25 and 26 prior to the 10th SAARC Summit to discuss the alarming crisis developing in the region in the area of food security. The crisis is threatening the very lives and livelihoods of the people in the region, particularly the poor, making them the victims of poverty, hunger and trafficking. In the spirit of sharing their anxieties with the governments of SAARC countries they placed their concerns before them. Following are excerpts from their memorandum submitted to the Standing Committee of the 10th SAARC Summit:

It is imperative that the food security be the top priority agenda of SAARC to be dealt collectively in the region.

We appreciate the initiative the governments of the SAARC countries have taken to establish the South Asian Food Security Reserve to assist each other in food emergency situation. However we would like to emphasise that this should be treated only as a Disaster Reserve and not to be confused with the food security issues.

A centralised reserve does not necessarily imply food security. The SAARC governments must commit themselves to ensure household food security. It should be reflected in their macro-economic and technological policies. The measure of SAARC food security must begin with the household as the basic unit.

We urge that our governments review Structural Adjustment Programmes, trade liberalisation policies and other policies that have negative implication for food security.

Our governments must

recognise the contribution of women as producers, processors and preservers of food and provide them an enabling environment to carry out their historic role in ensuring food security. Laws ensuring land rights for women, orienting agricultural research towards them are necessary preconditions for this.

SAARC governments must recognise that biodiversity based, sustainably managed food production systems contain the potential for genetic conservation and contribute to food security. The strength of SAARC countries lies in these systems. Therefore encouraging these systems must be mandated by the agricultural financial institutions to provide financial resources to these systems and insurance companies to cover food crops and livestock in the region.

We understand the need to set up the SAARC Agricultural Information Centre. But the purpose of this Centre is still unclear. This Centre should explicitly state what information

it is collecting, for what purpose and how can the farmers and citizens of the region have access to this information. We also want that the Centre should address the following issues:

- Monitoring of biopiracy and providing information on it

- Turning itself into an indigenous and local knowledge centre

- Making it into a useful instrument for promotion of ecological agriculture

- A place for storing Community Biodiversity Registers as legal public documents in the region.

We are concerned that the implementation of Rio Agreement is poor in most of the SAARC countries, especially Chapter 14, related to Sustainable Agriculture and Rural Development. We want that the Convention of Biological Diversity and the Rio Agreements are reflected in the national policies of the SAARC countries.

In the earlier SAARC declarations an emphasis was given on the flow of resources from developed countries for the implementation of CBD and Rio agreements. We would like to urge our governments that the promotion of sustainable agriculture, protection of local and indigenous knowledge and conservation and advancement of biodiversity should not be dependent on foreign funds. It is imperative that local resources are mobilised for their implementation.

We urge our countries that a common position and strategies are developed among SAARC countries to deal with

the review of TRIPS due in 1999 and the review of Agreement on Agriculture due in 2000. We are concerned that very little progress has been made in the SAARC countries to deal with these issues so as to defend the interests of their citizens.

The emergence of transnational corporations in the region under a new green mask as providers of food security is of grave concern to us. If allowed a free run they will begin a re-colonisation of our farming communities. Of special alarm to us is the fact that they have started to monopolise our seed industry and have laid out their agenda patenting life forms in the region. These activities of transnationals has the potential to totally destroy the traditional control of our farmers over their own seeds and agricultural production systems.

Therefore we would like to caution the SAARC governments that the present policy of offering the TNCs cheap and unlimited land, water and other natural resources and a variety of incentives which include un-protected labour can be suicidal for the region. We further urge the SAARC governments to alter their agricultural policies in favour of the small and marginal farmers and food producers to halt the march of the TNCs in this area.

## Combating Trafficking in Women and Children

The SAARC People's Forum also proposed some amendments to the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution. Following are excerpts from their memorandum submitted:

We applaud and support the initiatives of the SAARC governments to address the issue of trafficking by formulating a SAARC Regional Convention, thereby pledging to coordinate their efforts to take effective measures to address this problem. Following the Male Declaration of the 9th SAARC Summit in 1997, the Technical Committee on Women and Development has prepared a draft of the SAARC Convention on Trafficking. In the process of formulating this draft, the respective governments have sought the input of women's and human rights organisations.

Women's and human rights groups in the region who have engaged with the issue by assisting trafficked women have grappled with the complexity of the issue of trafficking and gained deeper insight into the phenomenon. These groups have interacted amongst themselves in order to sharpen their analyses of the issue as well as the processes and strategies. The SAARC draft Convention

reflects the lobbying efforts of these groups and an intensely debated plan of action by the Member States of the SAARC region.

The Convention needs to broaden the scope and notion of trafficking. Trafficking takes place for a range of ultimate purposes, not only for the purpose of prostitution. It is crucial to recognise that the main motive of the trafficker is profit through trade, however that profit may accrue whether from sale to brothels to adoption homes, for camel jockeying, forced marriage, begging, bonded and forced labour, organ trade, etc. The use to which the trafficked persons are put depends on the exploitative global trading, and the demand and supply trends as dictated by the market economy.

The Convention must recognise that due to hard social, cultural, religious, political and economic pressures, women are forced to migrate in search of options for livelihood. Any move to combat trafficking must not interfere with women's

right to mobility. The Convention must not become an instrument to restrict or control the voluntary movement of women from one country to another. Issues of trafficking and migration must be separated. A distinction between the two can only be made if the elements and motives of trafficking are defined clearly.

The concern and interests of trafficked women and the need to provide them support and security must take precedence over the citizenship concerns of the member states regarding the legal identity of the women. Trafficked women should be accorded standard minimum humanitarian treatment consistent with international human rights standards.

In view of the above considerations we propose the following amendments:

Title: In lieu of the title of the draft Convention read: SAARC Convention on Preventing and Combating Trafficking in Women and Children.

Article 1, Definitions: Trafficking consists of all acts involved in the procurement, transportation, forced movement, and/or selling and buying of women and children within and/or across borders by fraudulent means, deception,

coercion, direct and/or indirect threats, abuse of authority, for the purpose of placing a woman and/or child against her will with or without her consent in exploitative and abusive situations such as forced prostitution, marriage, bonded and forced labour, begging, organ trade, etc.

Reintegration means social, political and economic integration acknowledging her right to self determination.

Article 9, Para 1 to read: This Convention recognises the right of the trafficked women to choose the modalities and the location of her reintegration. This choice should be explicitly made in the presence of an independent body, such as the human rights commission and/or National Women's Commission. As per her choice, the state parties to the convention shall facilitate the process of her reintegration. No coercion should be applied to repatriate her against her will.

Para 2 to read: Pending the processes of reintegration, the state parties to the convention shall make suitable provisions for her security and maintenance. The provision of legal services shall also be made available to the trafficked women.