

Emphatic *no* to gender violence

Launch a mass movement of resistance

NATIONAL statistics on violence against women, the most recent released by the Bangladesh Women Lawyers' Association (BNWLA), have found 1,836 women and girls killed in 2011. Deaths were caused as a consequence of domestic violence, demands for dowry, and following rape and sexual abuse. A sharp increase from the previous year has also been noted.

The numbers are extremely worrying. Perhaps of even greater concern is that the figures are probably much higher in reality, as a large number of cases of violence against women go unreported for a variety of reasons, ranging from protection of the woman's and her family's honour to the ultimate lack of legal redress.

All this, despite a number of stringent laws enacted for the protection of women, which include the Acid Crime Control Act 2002, Dowry Prohibition Act 1980, the Prevention of Oppression against Women and Children Act 2000, and, most recently, the Pornography Control Act 2011, following a rising trend of recording and marketing of pornographic material, for which there were previously no direct legal consequences.

It is obvious, however, from the above statistics that laws are not enough. Conviction rates in such cases are very low, either as a result of the perpetrators threatening the victims and their families to withdraw cases, or else reaching a compromise with them, or, perhaps most unfortunately, due to the inefficiency and insincerity of the legal and judicial system.

The implementation of existing laws and introduction of new provisions where necessary is crucial. This includes ensuring that the law enforcing agencies accept and lodge complaints against perpetrators, preserve evidence properly and work independently. It also includes strengthening and independence of the judiciary and an effective system of support and protection of witnesses. A strong and efficient monitoring system must be in place to ensure these. Finally, community intervention is necessary, not to help the influential perpetrators to get away as is often the case, but to help ensure justice for the usually powerless victims.

We need to launch a massive campaign in the media, and through government offices, NGOs, think-tanks etc., to not only raise public awareness against gender violence but also to wage a movement of resistance.

A good initiative

Personal visits are good, but the system needs to be fixed

THE communications minister deserves compliments for giving his personal attention to many things in his ministry that are virtually in a state of decay. The other day he was at the BRTA office to see for himself the condition there. And we are not surprised to learn of his reaction at finding most of the things there in disorder.

Of the many things that were not working, or were there that should not have been, were 'dalals' using both money and links in the BRTA office, to get vehicle documents renewed, newly issued etc. And many of the officers were absent from their work places - quite a normal phenomenon in our country we must add. There were many things that the local heads of the office should have done without having to be directed by the minister, for example, increasing the number of booths for the public. It only shows that those in charge are least interested in enhancing the quality of service that they are obligated to provide to the public.

In fact several departments in the ministry of communications, particularly the BRTA, are reported to be hot bed of corruption. Much of the ailments that afflict the transport sector, we are constrained to suggest, stem from this office. There is a strong nexus between the crooks and certain category of officials at the BRTA that collude to issue fake documents including vehicle registration and licenses.

But we feel that while such visits are necessary these may prove to be very temporary and short-lived palliatives unless something more permanent was done. What we have in mind is the correction of the systemic flaws. And the system should set up in a manner that it should function normally and have mechanism for internal oversight. There too must be strong action

THIS DAY IN HISTORY

January 10

1475
Stephen III of Moldavia defeats the Ottoman Empire at the Battle of Vaslui.

1916
Erzurum Offensive during World War I, Russian victory over Ottoman Empire.

1920
The Treaty of Versailles takes effect, officially ending World War I.

1946
The first General Assembly of the United Nations opens in London. Fifty-one nations are represented.

1972
Sheikh Mujibur Rahman returns to the newly independent Bangladesh as president after spending over nine months in prison in Pakistan.

When Bangabandhu came home . . .

SYED BADRUL AHSAN

IN these forty years which have gone by, I have remembered where I was, where millions of others were, on the day Bangabandhu Sheikh Mujibur Rahman came home to the country he had led to freedom. January 10, besides being a significant point of light in Bangladesh's national history, has been for me a tale of my journey into the making of history, into witnessing history as it happened first hand. I was there at Tejgaon airport minutes after daybreak on this day in 1972, in the company of my friend Billal. A huge crowd had already gathered there, despite the fact that the Father of the Nation was not expected to arrive before early afternoon. It was thrilling to hear people greeting each other with a full-throated declamation of *Joi Bangla*. Liberty was in the air. It would take roundness once Bangabandhu stepped on to the soil of this free country.

On January 10, it is the drama of the moments preceding Bangabandhu's return to Bangladesh that I recall. None of us knew, even as the War of Liberation went on for nine months in 1971, where he was or in what condition he was in. All that we recalled was that troubling image of him in the custody of the state of Pakistan at Karachi airport, an image sent out to the media in April by the Yahya Khan regime only to prove to the outside world that contrary to Bengali claims, Mujib was very much Pakistan's prisoner and sure to face trial on charges of sedition. After all, Yahya Khan had vowed on March 26, 1971: "This crime shall not go unpunished." In August of the year, for the first time in months, we had something of a clue as to where

Bangabandhu was when the murderous regime announced that the Bengali leader would go on trial on the charge of waging war against Pakistan. And lest it embarrass itself, the military junta made sure the trial was held in camera. The trial, we were informed, would commence on August 11. Bangabandhu's defence lawyer would be A.K. Brohi (though much later Bangabandhu himself told us that he had refused to accept Brohi as his counsel, imposed as he had been on him by the regime).

In 1971, not one among the seventy five million Bengalis celebrated Eid. And every man, woman and child

Every man, woman and child prayed for Bangabandhu's safety, prayed that he would not be executed by a junta gone insane.

have none of it. He placed Bangabandhu and Dr. Kamal Hossain under house arrest on December 22, the very day the leaders of the Mujibnagar government came home to a free Bangladesh. Mujib and Bhutto met for the first time since March five days later, on December 27.

That meeting was decisive. Bangabandhu learned through Bhutto, for the very first time, that East Pakistan had disappeared, that Bangladesh was free. Bhutto wished for Pakistan and Bangladesh to maintain some links, probably confederal in nature. Mujib would not make any commitment until he returned home.

In the pre-dawn hour of January 8, 1972, Bhutto, Pakistan's president by default, saw Mujib off at Chaklala airport. "The nightingale has flown," he said to no one in particular. Hours later, Bangladesh's founder arrived in London. The BBC was the first media organisation to carry the news. But that was something I would not know until late in the evening here in Dhaka. Earlier, waiting at the reception of Bangladesh Betar in Shahbagh for an audition in English news reading, I suddenly was witness to the dramatic news that Bangabandhu had left Pakistan but no one knew where he was headed. Everyone around me was truly agitated, smelled a new Pakistani conspiracy. I decided to forgo the audition, literally ran home, in Malibagh, and tuned in to the radio for news. It came after dusk had fallen. "The

East Bengali political leader Sheikh Mujibur Rahman arrived in London a short while ago from Pakistan," intoned the newsreader on the BBC's World Service. We jumped for joy. An hour later, on the BBC's Bengali Service, we heard Bangabandhu's voice for the first time in ten months: "I am happy to share the unbounded joy of freedom with my people," said he. Tears of incredible happiness streamed down our faces.

Two days later, on January 10, 1972, as soon as the comet aircraft bringing Bangabandhu home landed at Tejgaon, something magical happened. With thousands of others I was on the road outside the terminal building. Within seconds -- and I have no idea how it happened -- I found myself on the tarmac, right beside the overcrowded truck that was to take the Leader to the Race Course, today's Suhrawardy Udyan. He looked thinner, ran his hands through his hair, smiled and looked somber alternately. As the truck inched out of the airport, I tried to climb on to it from behind. There was barely space there for one of my feet. The other I let graze the road. Col. M.A.G. Osmany sternly admonished me, "*Khoka, byatha paabe. Neme porho.*" I did not heed his advice, hung on to the truck all the way to the Race Course.

These days, every time I see that picture of a returning Bangabandhu on the truck, in the company of all those important men, I know that in the rear there is a sixteen year-old me hanging on to the vehicle. That is the history I am part of. Bangabandhu is our history.

The writer is Executive Editor, *The Daily Star*.
E-mail: bahsantareq@yahoo.co.uk

Police reforms must involve the people

NAVAS KOTWAL and DEVYANI SRIVASTAVA

AS Prime Minister Sheikh Hasina hands out bravery awards and medals to police and Rapid Action Battalion (Rab) personnel during the ongoing police-week, two young men prepare for their slow recovery in the southern district of Barisal. The duo, one of whom is a member of the Bangladesh National Party (BNP) youth wing, were abducted by law enforcement agencies and tortured in custody. They are reported to be among 27 such people who have either been picked up, allegedly by law enforcement agencies, or gone missing in the past month.

These are only some of the isolated incidents that actually come to the fore. Police brutalities aside, there is growing public dissatisfaction even against routine malpractices, roughness, unwarranted violence and corruption in the course of day-to-day policing. The dominant perception now is that the police can get away with practically anything, perhaps even murder. It comes as no surprise then that the police don't command any public confidence and are themselves alienated from the communities they are meant to serve.

Police reform has never been on the agendas of the powers-that-be in Bangladesh. Encouragingly, new police legislation, Police Ordinance 2007, was drafted under the Care-Taker Government (CTG) by the UNDP in collaboration with the Bangladesh police in order to replace the (still) existing 1861 Police Act, and was among the most significant reforms introduced during the time. The government, however, failed to get it passed by the parliament during its tenure.

The Ordinance is far from perfect but it does reflect modern day policing principles such as the introduction of external accountability mechanisms where people can file com-

plaints against errant police officers. Such provisions need strengthening in the Ordinance but serve as a useful starting point for reform. Unfortunately, the Ordinance since then has found no owner. It lies somewhere in cold storage to be dug out occasionally by the UNDP. Since coming into power, the Sheikh Hasina government has successfully managed to block its passage.

The deep political unwillingness to introduce a new law is coupled with a deeper apathy amongst civil society stakeholders to engage with the process. This may be due to the fact that no public consultations were held at the time of drafting of the Ordinance -- not even those that bear the maximum brunt of poor policing. Not surprisingly, the Ordinance retains provisions that will only intensify insecurity among communities and widen the gap between the police and the people.

One such example is the provision to set up Special Security Area "when threatened by insurgency, terrorism or militant activity." In such areas, the chief of police will have the authority to create an appropriate police structure and a suitable command, control and response system. Such provisions have generally tended to create parallel police structures, perpetuated an environment of fear and suspicion, and proved to have a damning effect on rule of law. Till such provisions exist, it is virtually impossible for the police to build upon community policing, an approach that relies

solely on winning the trust of, and building sustainable ties, with communities

Today, the few demands for consultation are rejected on grounds of time, complexity, expense and a fear that it will stir up popular resentment. Much to the contrary, consultation, in fact, begets confidence and ownership of a service and reduces hostility towards it.

World over, governance is becoming more and more participatory and consultative. This is particularly crucial where policing is concerned. In a democracy, police is a public service and thus must be based on the expectations and concerns of people. Policing laws must be the outcome of wide consultations, both within the rank and file of the organisations as well as with civil society and other interest groups at large. Otherwise, gaps between community expectations and policing priorities will persist. Such consultations will have a beneficial effect on police-public relations and would go a long way in repairing the trust deficit between people.

A practice of a broad based pre-legislative consultative process has in fact been tried out in South Asia itself, in the state of Kerala in India. Upon drafting of a new police law, the Kerala police put it up on their website along with an invitation for feedback and comments. When it was tabled in the state assembly, it was referred to a Select Committee that decided to go public to the fullest extent. It toured the state, held

district-wise public consultations and invited as much feedback and input into the Bill as possible. Within three months, the Committee had toured each district holding large and small public consultations. Prior to each meeting, small notices were placed in all leading newspapers highlight the mandate, purpose and the visiting dates of the Committee members.

Large numbers poured in to the meetings. People aired grievances against the police; some made specific recommendations and offered alternate formulations. Lack of knowledge about the technical aspects or exact clauses of the new law did not become a hindrance nor a waste of the Committee's time. Frequent complaints against typical police malpractices were heard and could be transformed into clauses that shaped the Bill so that it included legislative cures for frequent mischief.

The final report submitted by the Select Committee suggested as many as 790 amendments to the original Bill. The Bill was extensively debated and 240 amendments -- all based on public feedback -- were accepted and passed. The process has led to a better law, greater ownership of the law and a more vigilant citizenry.

Policing is a central issue in any society. Post-independence the role of police has changed. But laws, practice and ethos of the police have not changed to reflect their new roles and function. In Bangladesh too, the role of the police is no longer to control a subject population but to uphold the rule of law. If the PM is serious about reform, then the present moment is an opportunity for a new beginning to policing with a police service capable of attracting and sustaining support from the community.

The writers are Coordinator, Police Reforms Programme and Consultant, Police Reforms Programme of Commonwealth Human Rights Initiative, respectively.