

REVIEWING THE VIEWS

Preventing street harassment

KH. KOHINUR AKTER
GENERALLY street harassment means and includes unwanted comments, gestures, and actions forced on a stranger in a public place and are directed at them because of their actual or perceived sex, gender, gender expression, or sexual orientation.

Street harassment, like other forms of sexual harassment, can induce a variety of negative mental health effects on victims. In research it is found that that exposure to harassment from strangers is an important factor in women's perceptions of their safety in public. Harassment from a stranger, as opposed to an acquaintance, is more likely to induce fear of sexual victimization. Another study published in 2010 reported that the experience of street harassment is directly related to a greater preoccupation with physical appearance and body shame, and is indirectly related to heightened fears of rape. Stranger harassment reduces feelings of safety while walking alone at night, using public transportation, walking alone in a parking garage, and while home alone at night.

Addressing the problem the crime prevention strategies can be applied to intervene. Crime prevention strategies attempt to reduce and deter crime and criminals. It is applied specifically to efforts made by governments to reduce crime, enforce the law, and maintain criminal justice. Criminologists have been at the forefront of analysing what work to prevent crime. Prestigious commissions and research bodies, such as the World Health Organization, United Nations have analysed their and others' research on what lowers rates of interpersonal crime.

Crime prevention strategies includes four major prevention strategies-
 1. Developmental prevention refers to interventions designed to prevent the development of criminal potential in individuals, especially those targeting risk and protective factors discovered in studies of human development.
 2. Situational prevention refers to interventions designed to prevent the occurrence of crimes by reducing opportunities and increasing the risk and difficulty of offending.
 3. Community prevention refers to interventions designed to change the social



STOP STREET HARASSMENT

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conditions and institutions (e.g., families, peers, social norms) that influence offending in residential communities.

4. Criminal justice prevention refers to traditional deterrent, incapacitative, and rehabilitative strategies operated by law enforcement and criminal justice system agencies.

To understand how to apply those strategies, risk factors must be identified first. In Bangladesh, the major risk factors for street harassment are social format, unimproved street lighting, inadequate use of technology (less CCTV monitoring), gender role of the society, violence-supportive attitude and cultural norms of the society, culture of insecurity, economic inequality, drug abuse, addiction to pornography, religious funda-

mentalism, inadequate and less enforcement of laws, lethargic role of police, less public awareness programs, overall less public-safety measures in the streets.

Formation of attitude towards such violence is a major concern here. People who support traditional gender-roles are more likely to express violence supportive attitude. In everyday social and family relations, violence is there. So it becomes normal to the children raising in such social format. Moreover, children who watch violence in family are also prone to violence to solve conflicts. From early childhood, boys get better treatment in families that give them a view of superior role-playing. Peer influences, exposure to pornography, portraying women in narrow

sexualized ways are also responsible to form such attitude.

So saying about the prevention strategies firstly, developmental prevention can be done by incorporating educational programs in schools on gender-role, egalitarianism of gender, culture of tolerance, raising empathy for female victims, emphasizing the perceived consequence of such violence (getting caught, negative response from family and peers). Anti-violence education is applicable to people of all ages but the content and format of any educational programs should vary at different stages of human development. The infants and pre-school children, school-age children, adolescent and adults are needed to be targeted for such education.

Secondly, situational prevention can be done by designing the city establishment and by taking security measures like improved lighting, using CCTV camera in public space and transport, adopting city safety plan, providing training and tips to women to avoid high-risk situation (carrying pepper spray or taking picture or video by using cell-phone), using self-defense technique and fight back, instant protest, react and seek help from other stand-bys, reporting to the nearest police station etc.

Thirdly, community prevention can be done by ensuring safety of women in the community by watching, monitoring and prevention while street harassment happening in the community. Local NGO's, small community female groups can participate here. Adopting rape prevention program in locality or community can be an example of such prevention that already adopted by some cities.

Lastly, criminal justice prevention can be done by enforcement of laws, speedy disposal of cases and exemplary punishment by the judiciary, separate female police station for anti-violence against women, providing attention and better treatment to victims and witnesses, enforcement of rights as victim.

To note, punishments for street harassment are there under section 354 and 509 of the penal code 1860. But it is a matter to re-think that whether the punishments are adequate according to the gravity of the crime.

THE WRITER IS LECTURER OF LAW, BANGLADESH OPEN UNIVERSITY.

LAW LETTER

Looking for a new way towards life

Silvester works in a gas station near La Brea, Los Angeles. This gas station is a place of regular police patrol from Los Angeles Police Department (LAPD). Most often, the patrol officer in charge send disguised employees into the store to see whether anyone is breaking the law or not.

That morning was started very badly for Silvester. He sold a cigarette to a teenager, where selling cigarette or alcohol under 18 is illegal in California. That teenager in fact was a disguised police helper to catch the culprit red handed. Silvester was being caught. The most surprising thing was his punishment for committing the crime. He was punished to get admission in a middle school to learn about morals, values, rules and laws of a state and how to obey them as well.

Now, let's get back to our own country. In Bangladesh, we are still trying to punish criminals only by monetary penalty and imprisonment. More shockingly, the amount of monetary penalty is too low for the big criminals as well as petty offenders.

Why do a person involve in crime? In which circumstance, they get labeled as a criminals? What is the limitation of our correctional centers? Our legal system lacks of proper research on it. The awareness and the importance of changing the "Punishment



System and Sentencing Policy" in our country is not adequate. As a result, we are still standing behind the line of being civilized in a true manner.

We can stop illegal migration by providing sufficient work into the country. We can punish the white collar criminals by distributing their money to the social needs or needy families around us instead of making them white to black.

We can punish a dowry seeker by letting them earn a fixed amount of money within a fixed tenure through working as a construction labor to realise hardship of earning instead of begging dowry. We can punish a rapist and a murderer by sending them to a psychiatric because these kinds of criminals are not mentally normal at all. We can punish a juvenile offender by providing them a perfect place to live, healthy diet and proper education with their family too. We can punish an eve teaser by providing them religious knowledge on respecting women by their own religious preacher to open the eye of religious ignorance.

Moreover, we can implement the Swift, Certain, and Fair (SCF) approach to community supervision which reduces re-offending, arrest, and incarceration by delivering reliable sanctions to high-risk probationers, announced in advance in Hawaii. Using community supervision is much more cost effective than a prison sentence or jail term, allowing for offenders to work and care for their families and pay taxes. Community based supervision has the greatest impact on reducing crime, reducing re-offending, and incarceration.

"Punishment" should not be the word to practice in our sentencing policy. Because, no one is a born criminal at all and we should try to prevent crime because we can't keep full control on it.

If we have the opportunity to clean the dirty mind of a criminal through new sentencing policies instead of old British laws, then why shouldn't we go for that? The whole world is changing; criminals are changing their crime pattern too. So, this is our high time to impose new sentencing policies not new laws at all. If we are following the western culture to spoil our own tradition, then why not follow the good things happening over there like implementing innovative sentencing policies? Law is not a matter to be afraid off; in fact it should be the way to give a criminal a new life.

Adiba Fannana
 Student of Master of Public Administration
 California State University, USA.

LAW EVENT

NAIMUL MUQUIM

SINCE October 2014 the School of Law, BRAC University has engaged on a project entitled "Mapping of Knowledge on Projects Undertaken on Justice Sector Facility Development and Human Rights in Bangladesh". This is supported by the Justice Sector Facility Project of the United Nations Development Programme, implemented by the Ministry of Law, Justice and Parliamentary Affairs, Government of Bangladesh and co-funded by UKaid.

The objective of this project is to produce an index of projects/reports on numerous facets of the growth of the justice sector and access to justice and human rights in Bangladesh, accomplished since 2000 in eighteen distinct sub-sectors namely: Children Issues, Courts and Administration of Justice, Gender Issues, Human Trafficking, Indigenous Communities, Informal Justice and ADR, Labour Issues, Law Enforcing Agencies excluding Police, Miscellaneous, Persons with Disabilities, Police, Preventive Detention, Prison Administration, Refugees and Undocumented Foreigners, Religious Minorities, Socially

To assess the growth of justice sector



Marginalised Sections of the Population, Support to Witnesses and Victims of Crimes, and Torture.

On 28 May 2015, the School of Law, BRAC University arranged a "Dissemination Workshop" to address the final report of the project at the BRAC Centre Inn, Mohakhali, Dhaka. The programme was inaugurated with a welcome address by Dr. Shahdeen Malik, Director, School of Law, where he praised the Project Implementing Team for their in-depth work, which would pave for improved interventions in the justice sector.

Following this, Dr. Md. Rizwanul Islam, Assistant Professor, School of Law, the Focal

Person for the Project articulated his conclusions on certain sub-sectors, namely: Gender Issues, Indigenous Communities, Informal Justice and ADR, Law Enforcement Agencies excluding Police, Support to Witnesses and Victims of Crimes. Among these, Dr. Islam suggested that the reforms in certain laws require further thought.

He explained that in case of family law, there is no major reform in Bangladesh. Existing reforms have merely centred on domestic violence and violence against women. Dr. Islam discussed that the reforms suggested by some reports are probably not as thoroughly charted as they could be, for instance,

many contend that second marriage should be nullified, to which he purported that due to the lack of easy access to marriage registry, the verification of one's marital status may not be straight forward, thereby creating many victims who are unaware of a first marriage. Consequently, the banning of second marriages without changes in the registry system could produce unintended consequences.

Furthermore, Mr. Farhaan Uddin Ahmed, Research Assistant in the Project tendered on two sub-sectors, namely: Courts and Administration of Justice and Police in Bangladesh. Both Mr. Ahmed and Dr. Islam examined the lacuna, overlaps and

stipulated proposals for further analysis and formulation of policies for the appropriate sub-sectors. Afterwards, Mr. Sanwar Hossain, also a Research Assistant shared the experience of the Project Implementing Team in respect of the collection of materials and communication with the stakeholders.

Subsequently, Mr. Christian Eldon, Chief Technical Advisor, Justice Sector Facility Project of the UNDP delineated the Project's importance to secure productive expansion of the justice sector. Thereafter, Dr. M. Shah Alam, Member, Law Commission of Bangladesh, delivered comprehensive intuitions on research in the justice and human rights sector, and valued the effort of the team.

The floor was next opened for discussion, where Dr. Ridwanul Haque, Professor, Department of Law, University of Dhaka raised some perceptive questions and offered contemplative observations. Delegates from several organisations similarly raised questions, which were appositely replied and taken into account by the Project Implementing Team.

THE WRITER IS AN ALUMNUS OF SCHOOL OF LAW, BRAC UNIVERSITY.

LAW NEWS

ONE in every 10 cigarettes consumed is illicit, making them cheaper and more accessible to people from low-income groups, as well as to children, the World Health Organization (WHO) has warned on the eve of this year's World No Tobacco Day, devoted to combating the illegal tobacco trade.

"The tobacco epidemic is one of the world's biggest-ever public health threats, killing nearly six million people annually," WHO said in a factsheet on tobacco released on 27 May. "Unless urgent action is taken, the annual death toll could rise to more than eight million by 2030."

And nearly 80 per cent of the world's one billion smokers live in low- and middle-income countries, where the burden of tobacco-related illness and death is heaviest, according to WHO. WHO went further to warn that

Stop illegal tobacco trade

tobacco, which caused 100 million deaths in the 20th century, may cause one billion deaths in the 21st century if current trends continue. Each year, World NO Tobacco Day is marked on 31 May by WHO and its partners to highlight the health risks associated with tobacco use and advocate for effective policies to reduce tobacco consumption.

"Illicit trade makes tobacco products more affordable and accessible to people from low income groups, as well as children," according to the WHO report. Illegal trade of tobacco products: what you should know to stop it.

"Illicit tobacco products are typically sold at lower prices, thereby increasing consumption. Tax and price policies are widely recognized as among the most effective means of reducing demand for, and consumption of, tobacco products," it said. "But the illicit trade undermines



tax policies, facilitates the uptake of tobacco use by youth and increases health inequalities within the society."

The WHO Framework Convention on Tobacco Control entered into force in February 2005. Since then, it has become

one of the most widely embraced treaties in the history of the United Nations with 180 Parties covering 90 per cent of the world's population.

- UN.ORG.