

There can be many reasons behind the recent trend in the increase of child killings. One of the most important reasons to be outlined is a culture of impunity throughout criminal justice system and that lets the perpetrators take advantage of the loopholes of the legal system.

CHILD REPRESSION AND KILLING

Issues and the ways out

KHANDAKER FARZANA RAHMAN

CHILD repression and killings have, in the last few years, increased precariously across the country, and the questions that have come to the forefront of the media relates to why such crimes have been increasingly taking place in Bangladesh and how the same can be combated nationally. Incidents as such include abusive behaviour against house maids, or rape of minors which also sometimes lead to killings.



As seen in most media reports, most often the female children are primarily the victims. In a report by Bangladesh Shishu Adhikar Forum (BSAF) working to protect and promote child rights, it was revealed that in 2017, 22 children were murdered after rape among the 593 incidents of rape that were found. 25 such incidents were reported in 2018 (January to April). Moreover, 176 children were raped, and 109 were killed during this period.

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justice being served to the victim and the victims' families, most of the survivors often are left with improper service from administration of justice. Negligence and inefficiency during investigation, disappearance of witnesses, harassment of the victim or victims' family members and bribery to the police are the most common causes that pose a hindrance on the way of redressing the grievance of children, abused or tortured.

In addition to the problems in the criminal justice system, the overall social transformation and rising of slum cultures are also

adding incentives to this phenomenon. Due to the increasing volume of city-centric floating people, escalating insecurity and lack of effective law-enforcement activities, cities tend to be more prone to rape and sexual abuse of young children. Moreover, the social institutions for example family, schools, religious institutions, etc. are not functioning in a way that it should be, i.e. they suffer from the inability to create proper knowledge about ethics as well as

morality and normative principles or to create a secure environment. It is unfortunate that there have been many incidents of child abuse within the core social institutions as well.

Against this background, there should be several initiatives that can work towards the prevention and combating of child abuse and repression:

- ▶ Enforcement of laws and landmark case laws: The culture of impunity is a cause as mentioned earlier that needs to be stressed on with more awareness. The 2000 Nari O Sishu Nirjatan Daman Ain should be properly implemented

- ▶ in order to provide the highest punishment for such heinous crimes, specially when the victims are children and/or belong to the most vulnerable groups of the society. Since, there is no appropriate provision of negotiation between the abuser and the victim under this law, the courts must secure and render justice by providing maximum punishment in cases concerning child abuse and killings and stay aware of out-of-court settlements.
- ▶ Separate offices for child directorate/commission for child protection: There have been calls from NGOs and civil society organizations to establish a separate directorate under the Ministry of Women and Child Affairs or a commission for the protection of child rights. The separate forum will effectively function and proactively respond to incidents of violation of child rights.
- ▶ Awareness creation within social institutions: This obligation lies on every social and legal institution in the society of Bangladesh from family to media, and from government to non-government actors. The family or the parents for example must equip children with knowledge of potential threat to them and preliminarily give ideas of self-defence.
- ▶ Making of Rules of the Children Act 2013: The Act of 2013 has replaced an old law with a view to safeguarding the rights of children. However, the Rules in compliance with the Act are yet to be promulgated and thus there are still grey areas for the protection of rights of children in conflict with the law which ought to be addressed as well.

THE WRITER IS AN ASSISTANT PROFESSOR, DEPARTMENT OF CRIMINOLOGY, UNIVERSITY OF DHAKA.

GLOBAL LAW UPDATES

PAT McDonagh was an Irish teenager who earned the nickname Supmac after a barnstorming performance in a Gaelic football match in the late 1960s. Half a century later, McDonagh has excelled in an arena, different from sports. He has won a legal battle against McDonald over the use of trademarks.

The Galway-based firm was able to persuade the European Union Intellectual Property Office (EUIPO) for cancelling McDonald's use of the "Big Mac" trademark. The EUIPO, which is based in Alicante, Spain, ruled that McDonald's had not proven genuine use of Big Mac, which it trademarked in 1996, as a burger or restaurant name. This administrative decision, if remains the same, would open the way for Supmac to expand across Britain and continental Europe. McDonagh opened the first Supmac in Ballinasloe, a town in county Galway, in 1978. The company now has 106 outlets across Ireland and Northern Ireland.

"We're delighted. It is a unique victory when you take on the golden arches and win," McDonagh, Supmac's managing director said. "This is a victory for all small businesses. It prevents bigger companies from hoarding trademarks with no intention of using them," he further added. In another statement, Supmac's said it had won a David versus Goliath battle against trademark bullying by a powerful multinational company.

McDonald's had unsuccessfully argued that similarity between Big Mac and Supmac would confuse customers. "We said there would be no confusion. Big Mac and Supmac are two different things," said McDonagh.

"They trademarked the SnackBox, which is one of Supmac's most popular products, even though the product is not actually offered by them," said McDonagh. "The EU is basically saying either use it or lose it." According to him, on the day of the



Brexit vote in Westminster, this case on intellectual property law showed the value of European Union membership. "You can go to the EU and get a fair hearing."

McDonald's did not immediately

respond to a request by The Guardian for comment. However, McDonald's can still appeal against the ruling.

COMPILED BY LAW DESK (SOURCE: GUARDIAN.COM).

LAW TRIBUTE

RAIHAN RAHMAN RAFID

QUEEN'S Counsel (QC), also known as taking silk, is appointed from legal professionals who demonstrate distinct expertise in advocacy. Her Majesty The Queen appoints the QCs on the advice of the Lord Chancellor. A Selection Panel, independent of the Bar Council, the Law Society and of Government, receives and considers each application and makes recommendations as to the appointment.

Mozammel Hossain is a Bangladeshi-born Barrister amongst the 108 barristers and solicitors whose appointments have been approved recently as new Queen's Counsel. Amongst 30 applicants who declared an ethnic origin other than white, 13 got appointed this year. Whereas, 18 such applicants out of 33 were appointed in the previous year.

Barrister Mozammel Hossain is one of youngest barristers to have been appointed as Queen's Counsel. He will be sworn in on 11th March at a



ceremony at the Westminster Hall at the Houses of Parliament. He is the second Bangladeshi-born person to achieve such an esteemed feat after Ajmalul Hossain QC.

Previously, Sir Akhlaq Ur-Rahman Choudhury (Honourable Mr. Justice Choudhury) was appointed as the first British-Bangladeshi (Bangladeshi-

origin) QC in 2015.

Barrister Mozammel Hossain was born in Barisal. He studied at the Dhaka College, and later pursued law at University of Dhaka. Thereafter, he completed LL.B. (Hons) from the University of Liverpool. He later obtained the Bar Vocational Qualification from the Inns of Court School of Law. After completing the academic and vocational stages of his Barrister training, Mr. Hossain was called to the Bar by the Honourable Society of Inner Temple. He then completed his pupillage at 187 Fleet Street.

He was the first overseas student to become the president of the Students' Union of the Inns of Court School of Law (ICSL). During 1999-2000, he was a governor of ICSL.

Barrister Hossain has been described by the Court of Appeal as an advocate of 'great eloquence'. He mainly practices criminal law, and has been involved in some of the most high profile criminal cases in UK.

His notable contribution in terrorism cases are; *Operation Gospodar* (2017), *Operation Yiges* (2016),

Operation Guildship (2014), *Operation Movie* (2013), *Re CD* (2013), *R v I and Ors* (2010) (the 'Blackburn Resistance' case), *R v Lusha* (2009).

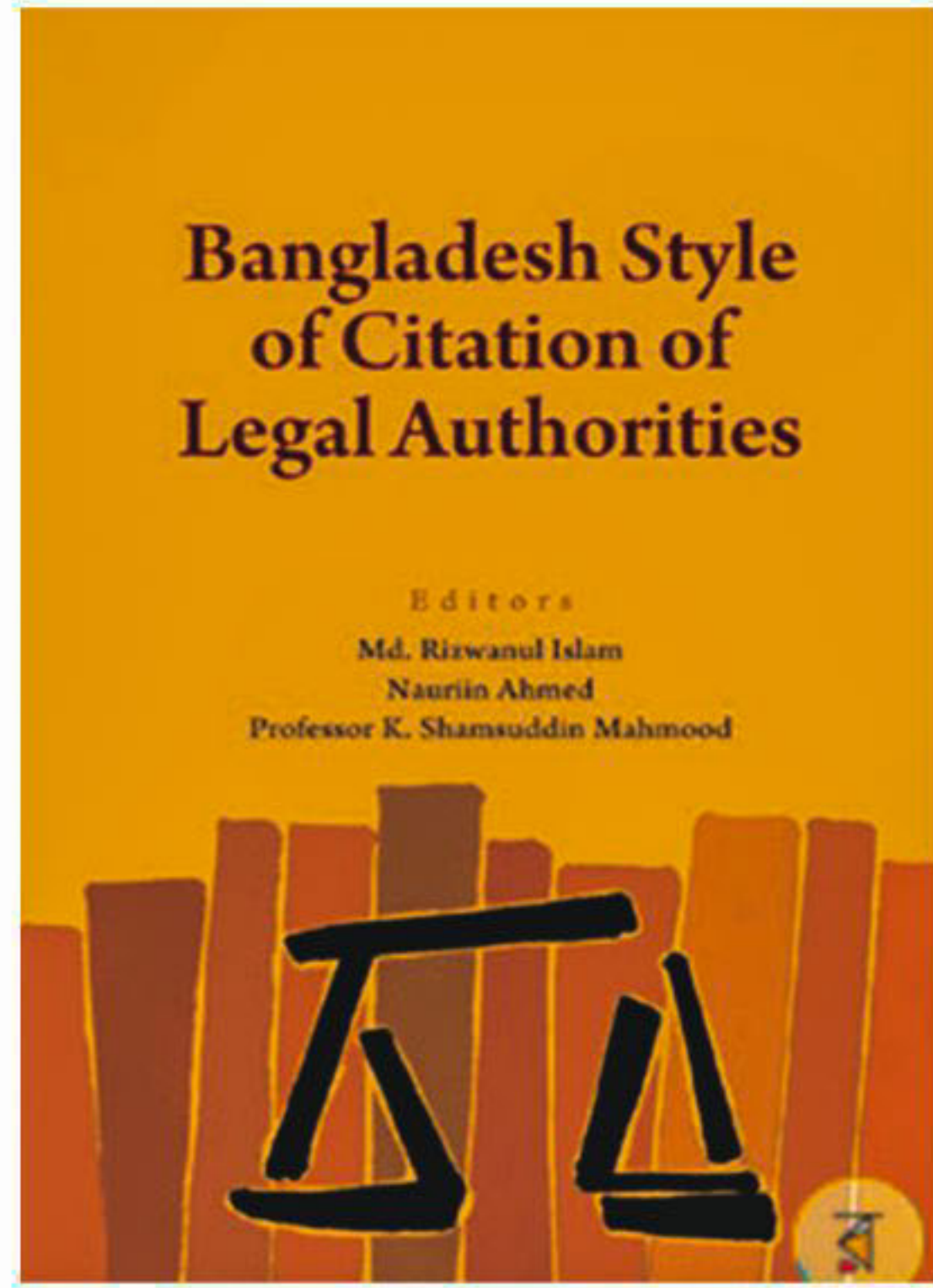
He has been instructed as Leading Counsel in several murder, complex fraud, international money laundering, and kidnapping related cases. Remarkably, he has been instructed in *R v A & Anor* (2012), and *Operation Departar* (2017) – a case involving 'ISIS' inspired murder of a local imam. *Operation Endorse* (2018) – drug related revenge shooting. *Operation Newton* (2018) – gang related Oxford murder and *Operation Holms* (2018) – gang related shooting.

Many of his cases attracted media attention including *R v H* (2013) – involving Hollywood actress Tara Reid, *R v A* (2009) which concerned a religious ceremonial self-flagellation of a child, and *R v G* (2009) that involved organised brothel keeping. The investigation of *R v G* was filmed by the BBC.

THE WRITER IS A STUDENT OF LAW, UNIVERSITY OF DHAKA.

BOOK REVIEW

New book on legal citation



Book info:

Bangladesh Style of Citation of Legal Authorities

Editors:

Md. Rizwan Islam, Naurin Ahmed and K. Shamsuddin Mahmood

Price: BDT 250

Price: BDT 250

DAILY Star Books has published a new book titled Bangladesh Style of Citation of Legal Authorities, co-edited by Md. Rizwan Islam, Naurin Ahmed and K. Shamsuddin Mahmood. Bangladesh Style of Citation of Legal Authorities (BSCLA) is a legal citation which includes citation of cases, reports, statutory documents, statutes, regulations, government documents, treaties and scholarly writings, articles, books and journal articles, electronic sources, etc. The book is basically a citation guide for legal researchers with regard to the style of referring to various scholastic authorities in legal write-ups. According to the editors, the book aims "to present a citation guide which may be used by law students, legal academics, lawyers, and judges of Bangladesh for citing legal materials in such a way that the task of locating substantive authorities becomes seamless."

The book is divided into seven chapters, having two appendixes and a complete bibliography. Chapter 1 in details talks about general rules of legal citation. To make the rules easily understandable, relevant examples have been used. Among others, this chapter deals with using footnotes, in-text referencing, explanatory phrase, referencing to Bengali sources, punctuation marks, quotations, italicisation, capitalisation, multi-authored work, title and sub-title of a work, pinpoint reference, spelling, abbreviation, sources referring to other sources, bibliographies, etc. Chapter 2 prescribes rules for using domestic primary sources such as constitution, statutes, case laws and other government documents. Chapter 3 details about using foreign primary sources, as for instances, from Argentina, Australia, Brazil, Canada, China, Denmark, France, Germany, India, Malaysia, Nepal, New Zealand, Pakistan, Qatar, Russia, Singapore, Sri Lanka, United Kingdom and United States of America. Similarly, chapter 4 talks about rules for using international legal materials. Chapter 5 provides rules for using decision of international judicial bodies such as ICJ, PCIJ, WTO, ICSID, ICC, ITLOS and others, while chapter 6 for using materials and decisions of regional bodies such as EU, IACtHR. Concluding chapter 7 details about rules for using secondary sources such as books, books chapters, journal articles, essays, book reviews, law commission reports, theses, conference/workshop/seminar papers, magazine articles, working papers, internet materials, interviews, written communication (e-mail), press release, speeches, radio and television broadcasts, films and audio-visual recordings, etc.

Appendix 1 of the book provides for law reports series abbreviations, while appendix 2 outlines some unique court identifiers abbreviations.

BSCLA is exceptional in two senses. Firstly, it is one of its kind publications in Bangladesh, for the first time, concerning legal citation aiming to compete with some foreign citation styles such as Harvard's Blue Book and Oxford's OSCOLA which are widely practiced in the country. Secondly, the language used in this book is very lucid and the examples are squarely quite user-friendly.

In the foreword for the book, the Chief Justice of Bangladesh Mr. Justice Syed Mahmud Hossain writes that, "By providing a concrete citation style, it will streamline the referencing style practiced in Bangladesh and introduce consistency and uniformity in the process. Although many citation style guides are available in the market, yet this is unique in nature." Dhaka University Law Faculty Dean Professor Dr. Md. Rahmat Ullah in his foreword echoes Justice Hossain by saying that, "Even though there is no dearth of citation style guides available in the international market, having a local citation style will bring about uniformity in the local referencing style."

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