

Juvenile Justice System in Bangladesh: A Critical Appraisal

Mohammad Bulbul Ahmed*

Camellia Khan**

Abstract

The Juvenile Justice System all over the world has been undergoing changes. The changes are so to say revolutionary in nature and feature. The prime object of juvenile justice is to protect the children from recidivism and ensure their rehabilitation as well as smooth reintegration within the society. Moreover a proper juvenile justice development programme is indispensable in the efforts to bring up the juveniles as worthy citizens of the country. On the contrary they are the future leaders of the nation so it is necessary to protect them from stigmatisation and to prevent delinquency. Juveniles have some 'Fundamental Rights' ensured by Article 28(4) of the Constitution of Bangladesh. The findings of the present study show that in Bangladesh the Children Act is enacted and enforced in anti therapeutic way. Thus juveniles are not getting the benefit of the law. Moreover Juvenile justice in a broader sense not only includes the treatment of children when they come in conflict with the law, but also involves the root causes of the offending behaviours and the measures to prevent them in Bangladesh although the Children Act is the principal law; it does not provide a particularly sound basis for the development of a child centered, rights-based juvenile justice system. Many of the hallmarks of modern juvenile justice legislation-diversion, mediation, restorative justice, explicit preference for community-based rehabilitation, community and NGO involvement, clear separation between child offenders and children in need of protection are lacking. So, there is a strong need for an effective regulatory regime to assure access to justice in juvenile matters and the judiciary in Bangladesh has a long way to move towards adopting the notion and principles of juvenile justice at the national level.

Research methodology

This study would be based on primary sources such as books, articles, journals, case materials, Internet sources, so that the analysis is taken with a multiplinary approach by keeping the phase of justice method and socio-economic variables in considerations.

Moreover, the study was so designed as to generate data with maximum reliability in the context of financial and other limitations and administrative back up. Taking into consideration all these factors it was decided to interview all the delinquent inmates. These inmates were fair representation of delinquency of different other districts of Bangladesh.

Moreover combining both formal and informal methods of investigation, my field research was conducted over a period of a couple of months. While quantitative data are necessary to determine the prevalence of a phenomenon it is the qualitative study that reveals the complexities. The former is more external in nature while the latter is inclined towards the more internal aspects

* Ph.D. Fellow, University of Dhaka, Lecturer, Department of Law & Justice, Bangladesh University of Business & Technology. (BUBT)

** Lecturer, Faculty of Law, ASA University Bangladesh

of a respondent's life. As such, the polarisation between the two methods represents a false dichotomy (Andrew 1991:43). McCracken (1988:18) similarly observes that qualitative and quantitative methods together provide the social science with bifocal lenses. They involve different ways of seeing and observe different realities or different aspects of the reality.

In the present study the combining of methods was considered essential to overcome the difficulties involved in the study. The primary respondents being children, it was necessary to allow them space to talk freely and without inhibitions. On the other hand, it was also necessary to compute their position statistically. The hallmark of being a field researcher, observes Burges (1984:143), is the flexibility in relation to the theoretical and substantive problems on hand, Wax (1971:10) warning in this regard served the present study well. She cautions:

Strict and rigid adherence to any method, technique or doctrinaire position may, for the fieldwork, become like confinement in a cage. If he is lucky or very cautious, a fieldwork may formulate a research problem so that he will find all the answers he needs within his cage. But if he minds himself in a field situation where he is limited by a particular method, theory or technique he will do well to slip through the bears and try to find out what is really going on?

It was important for the purposes of the present study to discover what was really going on in the lives of the child workers intended to interview. Therefore, my fieldwork was initially conducted on the basis of qualitative studies after which emphasis was given to the collection of quantitative data; in other words, open-ended one to one in-depth interviews initially formed the core of the study, followed by a more sedate structured questionnaire. Although this may have been contrary to normal practice of collecting quantitative data before conducting qualitative interviews, my particular field of research required a different approach. Children being particularly sensitive on account of their age and in the present case, their gender, needed to be interviewed in an equally sensitive manner. In the circumstances, the qualitative study seemed to be ideal for gaining the children's confidence rather than an official-looking document with printed word. During the fieldwork I was concerned about the ethics of the research.

Laws providing for the trial of children and other Aspects of Juvenile Justice

There is no comprehensive juvenile justice system in Bangladesh. Instead different laws contain provisions regarding children in conflict with the law and this often leads to confusion in regards to which law needs to be applied.

The Constitution

The Fundamental rights to life, personal liberty, and equal protection of law, protection against arbitrary arrest and to speedy and fair trial as guaranteed by the Constitution of Bangladesh under Article 31, 32 and 35(3) applies to all citizens. However, Article 28(4) also encourages state to make special provision in favor of women or children or other backward section of citizens.

The Code of Criminal Procedure

Bangladesh inherited a sketchy juvenile justice system from the colonial laws, contained in Section 29B of the Code of Criminal Procedure, which provides for the trial of children in juvenile courts.

The Bengal Jail Code

The Bengal Jail Code and Prisons Act of 1894 provided separation of children from adults in jails.

The Penal Code

According to section 82 of the Code, a child under the age of 7/9 years is protected from any action against his/ her criminal act. Section 83 states that if a child between 7/9 and 12 years of age is to be convicted of an offence, it must be proved that he/ she had sufficient maturity of understanding to judge the nature and consequences of the act done.

In 2004, the age of criminal responsibility has been increased from 7 to 9 years providing protection to children less than 9 years of age from any judicial proceedings so that they are not criminally liable for any crimes committed below 9 years of age, according to Penal Code (Amendment) Act, 2004.

The Vagrancy Act of 1943

The Vagrancy Act of 1943 defines a vagrant as anyone who is found in public asking for alms, those persons who do not work, who live on the earnings of others through alms giving and who roam about instead of working at their place of residence. The arrest of children under the Act appears to be arbitrary and the threat of its use to extort bribes from children has become “an instrument in the hands of police to keep urban areas free of undesirable elements and to extract financial considerations.

The Children Act of 1974: (The Children Rules, 1976)

The Children Act is the substantive law for juvenile offenders and their treatment. It deals with both children in need of protection as well as children in conflict with the law. It deals with custody, protection and treatment of children and trial and punishment of youthful offenders.

Salient Features of the Children Act 1974

Definition of Children and Age Determination

Section 2(f): A child means a person under the age of 16 years

Section 66: Whenever a person is brought before any criminal court ... and it appears to the court that he is a child, the court shall make an inquiry as to the age of that person and, for that purpose shall take such evidence as may be forthcoming at the hearing of that case, and shall record a finding thereupon, stating his age as nearly as may be.

Bail and Arrest

Section 48: Where a person apparently under the age of 16 years is arrested on a charge of non-bailable offence and cannot be brought forthwith before a court, the officer-in-charge of the police station may release him/her on bail.

Section 49: Where a person apparently under the age of sixteen years having been arrested is not released on bail, the officer-in-charge of the police station shall cause him/her to be detained in a remand home or a place of safety until he can be brought before a court, on remanding for trial a child who is not released on bail, shall order him to be detained in a remand home or a place of safety.

Section 50: Immediately after the arrest of a child, it shall be the duty of the police officer or any other person affecting the arrest to inform the Probation Officer of such arrest in order to enable the Probation Officer to proceed forthwith in obtaining information regarding the antecedents and family history and other material circumstances likely to assist the Court in making its order.

Section: 13(2): Where the Child is arrested, the officer in charge of the police station to which he/she is brought shall forthwith inform the parent or guardian of such arrest, if found and shall also cause them to be directed to attend the court before which the child will appear and specify the date of such appearance.

Jurisdiction and Trial

Section 4: The powers conferred on a Juvenile Court shall be exercisable by the High Court division, a Court of Session, a Court Additional Sessions Judge and of an Assistant Sessions Judge and a Magistrate of the First Class.

Section 6: No child shall be charged with, or tried for any offence together with an adult.

Section 7: In the trial of a case in which a child is charged with an offence Court shall sit in a building, or a room different from that in which the ordinary sittings of the Court are held, or on different days, or at different times from those at which the ordinary sitting of the Court are held.

Section 8: When a child is accused along with an adult of having committed an offence, the case shall be separated and transferred to the Juvenile Court or the Court empowered to exercise the powers of a Juvenile Court.

Punishment

Section 51: No child shall be sentenced to death, transportation, imprisonment for life or imprisonment unless the court is of the opinion that the crime committed is of so serious nature or the child is so unruly or depraved that he can not be committed to a certified institute, the child can be sentenced to imprisonment.

(It is necessary to be noted that under the Penal Code (Amendment) Ordinance, 1985 the words 'imprisonment for life' were substituted, for the word 'transportation'; the word 'imprisonment' was substituted, for the word 'transportation' and the word 'imprisonment for life' was substituted, for the word 'transportation for life or any shorter term'. So according to the

provision of this Ordinance there is nothing like 'transportation.' which can be applied as a punishment for the juveniles.)

A youthful offender sentenced to imprisonment shall not be allowed to associate with the adult prisoners.

Section 15: For the purpose of any order which a Court has to pass under the Children Act, the Court shall have regard to the following factors: the character and age of the child; the circumstances in which the child is living; the reports made by the probation officer; and such other matters required to be taken into consideration in the interests of the child.

Section 53: A court may discharge any young offender after due admonition, release on probation of good conduct or commit a child to the care of a fit person executing a bond with or without sureties

Confidentiality and Non-stigmatization

Section 9 & 10: The trial of juveniles shall be held in camera i.e. only people directly involved in the case and the officers of the court can be present during the trial. The Court may also ask people not involved with the case to withdraw.

Section 16 & 17: The report of Probation Officer or any other report considered by the Court under section 15 shall be treated as confidential and publication of report of proceedings, photograph of child leading directly or indirectly to the identity of such child is prohibited and punishable by a fine of Tk. 200 or imprisonment for 2 months.

Section 70 & 71: Words 'Conviction' and 'Sentence' can not be used in relation to children and when a child is found to have committed any offence, the fact that she/he has been so found shall not operate as a disqualification for any office, employment or election under any law.

Probation Officer for Specialized Assistance:

Section 31: A Juvenile Court may appoint Probation Officers from among suitable persons in the district, if there is no Probation Officer in its area and may appoint a Probation Officer for a particular juvenile. His duties are subject to the supervision of the Juvenile Court and where no court exists, the Court of Sessions.

Duties of the Probation Officer include: visit or receive visits from the child at reasonable intervals; see that the conditions of bond are fulfilled; report to the Court as to the behavior of the child; advice assist and befriend the child and, where necessary, endeavor to find him suitable employment; and perform any other duty which may be prescribed.

Institution and Accommodations

Section 2 (j): "Place of safety" includes remand home, or any other suitable place or institution and where such institution is not available, in the case of male children only, a police station in which arrangements are available or can be made for keeping children in custody separately from other offenders.

Section 20: "Remand Home" is a place established and maintained by government for the purposes of detention, diagnosis, and classification of children committed to custody by the Court or Police.

Article 37 of the CRC

Protection from torture and deprivation of liberty

State Parties shall ensure that:

- No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- Every child deprived of their liberty shall be treated with humanity and the inherent dignity of human person, in a manner, which takes into account the needs of the persons of his or her age. In particular, Every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his/her family through correspondence and visits, save in exceptional circumstances;
- Every child deprived of his/her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his her liberty before a court or other component, independent and impartial authority, and to a prompt decision on any such action.

Article 40 of the CRC

Principles of the administration of juvenile justice

1. State Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for human rights.
2. To this end, and having regard to the relevant provisions of international instruments, State Parties shall, in particular, ensure that:
 - a. No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;
 - b. Every child alleged or accused of, or recognized as having infringed the penal law has at least the following guarantees:
 - to be presumed innocent until proven guilty according to law

- to be informed promptly and directly of the charges against him or her, and , if appropriate through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defense;
 - to have the matter determined without delay by a competent, independent and impartial authority or judicial body in fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;
 - not to be compelled to give testimony or to confess guilt ; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;
 - if considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;
 - to have the free assistance of an interpreter if the child cannot understand or speak the language used;
 - to have his or her privacy fully respected at all stages of the proceeding.
 - to maintain case file containing detailed information about the family history, character, educational background and other considerable matters of that child.
3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and in particular;
- a. the establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;
 - b. whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing their human rights and legal safeguards are fully respected.
4. A variety of dispositions, such as care, guidance, and supervision orders; counseling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their wellbeing and appropriate both to their circumstances and the offence.

Beside the CRC, there are three other important UN sponsored documents dealing explicitly with the standards and guidelines for the treatment of children and young people coming in conflict with the law.

- The UN Standard Minimum Rules for the Protection of Juvenile (Beijing Rules).
- The UN Guidelines for the Prevention of Juvenile Delinquency, 1990 (the Riyadh Guidelines).
- The UN Rules for the Protection of Juveniles Deprived of Liberty (JDLs).

Not only that but also ICCPR, 1966 reiterates the principles of juvenile justice and contains many safeguards for juvenile like rehabilitation and re-integration (Article 14.4). It prohibits death penalty of persons when they are under the age of 18 (Article 6.5). These standards, while non-binding in nature, present useful guidelines concerning the rights enshrined in the CRC.

National Reality and State's liability

Despite having a comprehensive international legal framework and in case of Bangladesh, an elaborate national framework, there exists a big gap between the laws and the reality on the ground. As discussed above, most of the existing legislation predates the current international standards on juvenile justice and thus do not reflect and comply with these principles fully. Although Bangladesh ratified the CRC in 1990, a number of factors frustrate the very object of juvenile justice system in Bangladesh. The issues, which need special attention in the discussion of juvenile justice in the context of Bangladesh, are the following:

Definition of Child

The definition of children is not uniform in the laws of Bangladesh. Different laws have defined children in different ways. The Children Act defines a child as less than 16 years. But the CRC defines a child as less than 18 years. Hence, in Bangladesh, children between 16 and 18 are treated as adults and are not protected by the laws on children. The Inter-Ministerial Committee on Juvenile Justice, which met on 10 March 2002, at Prime Minister's Office, decided, "All boys and girls less than 18 years shall be considered as children.

Determination of age

Accurate determination of age is especially important with regard to the administration of juvenile justice. No uniform method in our country is available to measure age. The absence of birth registration is a major obstacle in obtaining accurate information pertaining to age groups. Magistrates and Judges face difficulties in deciding how to deal with a child if the age of the child is not clear. That's why; they have to depend on mere speculation or medical certificates. It is also seen that police are reluctant to record the proper age of the children to avoid due proceedings under the provisions of the Children Act. For this purpose, in early 2005, the Ministry of Home Affairs issued directives on police responsibilities regarding suspected child offenders.

Age of criminal responsibility

The CRC requires States parties to establish a "minimum age below which children shall be presumed not to have the capacity to infringe the penal law". According to recent amendment, in Bangladesh the minimum age of criminal responsibility is nine years (section 82 of the Penal Code) while *doli incapax* operate as a further safeguard up to the age of 12 (Section 83 of the Penal Code).

Children between 9 and 12 years can only be held criminally responsible if they could understand the nature and consequences of their acts and after 12 full criminal responsibilities. On the other hand, section 52 of the Children Act provides that where a child is convicted of an offence punishable with death or imprisonment, the court may, if it considers expedient so to deal with the child, order him to be committed to certified institute for detention for period which shall be not less than two and not more than ten years, but in any case not extending beyond the time when the child will attain the age of 18 years.

Arrest procedures

The Police have wide discretionary powers to arrest children under a variety of laws. The Children Act, the Vagrancy Act 1943, and the Suppression of Violence Against Women and Children Act, 2000 give police the authority to take children into custody on very broad grounds. Both children who have committed crimes and children in need of protection are processed through the police station and subject to involuntary detention in a remand home or other “places of safety.” In addition, Article 54 of the Code of Criminal Procedure, 1898 and the Dhaka Metropolitan Police Ordinance allow police to arrest anyone on the grounds of “reasonable suspicion” that the person has been involved in a criminal act.

Maltreatment of children

There are no comprehensive protocols or procedures governing how police should handle children in conflict with the law. In practice, children are generally treated in the same manner as adults, and there have been numerous reported cases of children being subjected to violence and abusive treatment by police. Girls are particularly vulnerable to physical and sexual abuse at the hands of the police. There are allegations that children, being arrested, are subjected to physical and other inhuman and degrading treatment in the detention facilities which is clear violation of the fundamental human rights instrument including the CRC and the national laws as well.

Separation from adults

The Children Act prescribes for the separation of children from adults at two stages of the juvenile justice system - during the trial and subsequent imprisonment of a juvenile. As for example, under section: 49 sub-section (1, 2) and of the Children Act, 1974, any arrested person below the age of 16 years who can not be released is entitled to be detained in place of safety until he will be brought before the Court. Here ‘Place of Safety’ means a remand home, or any other suitable place, the occupier of which is willing to receive a child for a specific period of time or in absence of this separate custody can be made for him or her for the sake of their safety. But in police custody, in remand, under trial stages and various forms of preventive and protective custody, children are, more often than not, kept in the same cell as adult offenders. Girls who have been victims of abuse and exploitation are particularly vulnerable to detention on these grounds, and are often sent to adults jails due to lack of appropriate facilities which is illegal. This militates against the spirit of juvenile justice.

Bail and Pre-trial Detention

Under the Children Act, the officer-in-charge of a police station has the authority to release a child on bail, even for a non-bailable offence. This provision potentially gives broad scope for the police to prevent children from being unnecessarily detained in police lock-ups. However, in practice this authority is rarely used, reportedly because police are unaware of the law, or do not have the resources to trace parents.

Juvenile Court and Trial Proceedings

The Children Act calls for the designation of specialized Juvenile Courts, and requires courts of all levels to follow the special juvenile court procedures when hearing cases involving an alleged offender under the age of 16. When hearing juvenile cases, the Court should sit in a different building or room from the ordinary court sittings, or on a different day or time of day. The Court is closed to the public, and the media is prohibited from disclosing the child's identity.

Sentencing

When making an order under the Act, the Court must take into consideration the character and age of the child; the circumstances in which the child is living; and the report from a Probation Officer as to the child's background and family history. Upon finding a child under the age of 16 guilty of an offence, the Court may impose one of the following dispositions:

- Admonishment and discharge;
- Release on probation and under the supervision of a Probation Officer for a period of up to three years;
- commitment of child to be detained in a certified institution (now a Child Development Centre) for a minimum period of two years and maximum period of ten years, but not extending under any circumstances beyond the age of 18 years; In the case of 'Fahima Nasrin vs Government of Bangladesh and others' it was held that the sentence of imprisonment passed in respect of the convicted person who is considered as a juvenile, by the learned Sessions Judge and Judge of the Juvenile Court, is erroneous. It does not reflect a correct interpretation of the Children Act, 1974 and the juvenile is not liable to be sent to prison upon the age of 18 years. (61 DLR, 2009)
- if the offence is serious in nature or the child is "of so unruly or depraved of character" that he/she cannot be placed in a certified institution, the child can be imprisoned for the maximum period which is specified for that offence under the Children Act, 1974. But there are allegations that many children receive sentences, which are inconsistent with the law.

Legal Support and Legal Representation

Most of the children who come in conflict with the law and ultimately end up in jails come from very poor families. They often do not have the ability to engage lawyers for their defence. Most children appear in Court unrepresented. But the basic principle of criminal justice system is that everybody should have the right to defend himself/herself in the court of law. The legal system of Bangladesh is extremely inadequate in this regard. Though Bangladesh is full of excellent lawyers they do not serve the cases of the children. This clearly shows that the problem is in the legal support system. There is a fund for legal support to the poor, which is hardly used.

Rehabilitation and Reintegration

There are three juvenile correction centers in the country with remand home facilities. They are supposed to be specialized agencies for taking care of children who come in conflict with the law. Although the stated objective of these centers is to promote the rehabilitation and reintegration of children, in practice, they do not have the required skills or resources to fulfill this objective effectively.

And they are now full with guardian referred cases. They also lack facilities for correctional activities. The curriculum for the vocational training is not up-to-date, the instructors are not skilled enough, and the officials and employees lack skill to deal with the children who need special care and attention

Diversion and Alternative Dispute Resolution program

Diversion is not formally recognised in the Children Act. However, diversion involves directing children from formal justice system to the greatest possible extent, and calls for the development of procedures to deal with petty offences without intervention of the judicial system. Informal measures are already in operation in many parts of the country. For example, the police can issue warnings to children rather than arresting them, and are increasingly making use of this discretion. In addition, traditional shalish courts are often used to deal with community problems involving children. The Village Courts Ordinance, 1976 provides for trial of certain minor cases in rural areas by Village Courts, but they are currently prohibited from trying any case where the interests of a minor are involved.

Judicial Activism regarding juvenile issues

Although the Children Act was enacted in 1974, there was neither any reported case under the Children Act from the High Court Division nor any case on appeal to the Appellate Division in which children were involved till 1990s. During the 1990s the issue of justice for the children in conflict with the law gained more attention from the judiciary. The High Court Division of the Supreme Court of Bangladesh in the case of *State vs. Deputy Commissioner, Satkhira*, 14 BLD (HCD) (1994) 266, for the first time, dealt with the rights of a 12 years old boy in conflict with the law. As a result, we saw some reported cases on the Children Act. . In a landmark ruling in 2003, reported in 11 BLT (HCD)(2003) 281, the High Court Division of the Supreme Court of Bangladesh, in a suo-moto order, issued 7 points directions to the government to take specific steps for system-wide improvement as mandated by the Children Act, including: releasing juveniles in custody who were under the minimum age of criminal responsibility; expedition of cases against juveniles; withdrawal of charges against children charged with minor offences; greater involvement of legal aid committee to make bail motions for juveniles; separation from adults in places of detention; and transfer of juveniles to appropriate places of custody, remand or detention. Thousands of children were released from custody as a result of this decision. These directions changed the course of children justice system of the country. The formation of NTF, DTFS and UTFs was the immediate result of the order.

This judgment was further referred in *Bangladesh Legal Aid and Services Trust vs. Bangladesh and others* (Writ petition no.7578/2003), 57 DLR (2005) and confirmed that children are entitled to trial before the juvenile Courts and they should not be tried jointly with adults.

In 2006 a Division Bench of the High Court Division of the Supreme Court of Bangladesh in the case of *State vs. Md. Roushan Mondal@Hashem*, 59 DLR (2007) 72, offered progressive interpretation of the various issues concerning the children justice system.

Concluding remarks

Despite the existence of reasonable legislation and the criminal justice agencies in the country, justice remains an elusive proposition for many children in the country. So, the following initiatives should be taken to ameliorate the conditions of children in conflict with the law and improve the juvenile justice system.

- There should be a comprehensive child-friendly juvenile justice system in Bangladesh. Legal reform is necessary bringing together all legislation dealing with children in one Act in conformity with the CRC and other international standards.
- Review of the legislation pertaining to children with a view to increasing the age of criminal responsibility; thereby enabling a large number of children to escape the clutches of the justice system.
- Continuous capacity building of front line workers such as police, magistrates, judges, probation officers and social workers will be conducted through their training institutes and regular curricula. Training of police should be given to impart knowledge about laws as well as the treatment of juvenile with which they come into contact. Judges and magistrates should be given orientation of the child rights issues as a whole and juvenile justice issues in particular.
- Setting up systems to ensure that no children are held in prison together with adults and that as far as possible, juveniles, even when under trial, are provided separate facilities and provided with the care and treatment needed in line with the special status due to them as juveniles. Improve Jail Visitor System and incorporate regular reporting on child prisoners till jails are free from children.
- Ensure the optimum use of the correction centres of the country and increase their capacity and resource.
- Take step for releasing children on bail by providing legal aid committee headed by the District Judge and with the fund provided by non-government organizations.
- Children must be legally represented. The practice of “realtor action” and “guardian at item” must be introduced whereupon an NGO, an upright member of society or a group of individuals can represent the child and bring action on his/her behalf. A panel of *Pro bono* lawyers should be prepared.
- Alternatives to the Criminal Justice System need to be explored. Promotion of diversion and restorative justice approaches to resolving minor crimes outside the formal system through police cautioning, mediation or referral to a community-based diversion programme, reserving arrest and Court proceedings for children who commit serious crimes, salish, village courts and other informal dispute mechanisms should be undertaken to understand more about how these mechanisms work, and whether they could be adapted to ensure respect for the rights of children.
- A permanent, structured system for coordination between law enforcement and civil society should be integrated into the core juvenile justice system.
- Co-operation and partnership with the Ministry of Law, Justice and Parliamentary Affairs, Ministry of Social welfare, Ministry of Woman and Children Affairs and other actors such as NGOs, development partners, and UN agencies will be strengthened.
- Awareness raising campaigns will be implemented to de-stigmatize and protect the rights of children in conflict with the law.

- Last but not the least, the essential element of a juvenile justice system is an attitude. These issues must be incorporated into a holistic approach so that attitudinal change may be ensured in the police; magistrates, judges and all the actors so that they treat the children differently from adults.

Bibliography

- Afsaruddin, Mohammad. "Juvenile Delinquency in Bangladesh"- Prof. of sociology, University of Dhaka.
- Ahmed, Salahuddin, "Studies in Juvenile Delinquency and crime in East Pakistan" (Dhaka College of social welfare and research centre)
- BLAST/save the children (U.K.), Bangladesh. "The issue of safe custody of children in Bangladesh" Dhaka, June, 2000.
- Government of Bengal, "The Bengal Jail code", seventh edition (reprinted), 1989.
- Government of the Peoples Republic of Bangladesh, "National action of children (1992-2002)", 1998.
- Goonsekere, Savitri, "Children, Law and Justice, A south asian perspective", UNICEF, 1998.
- Juvenile Justice, UNICEF Innocenti Digest No.03, 1997.
- Khan, Dr. Borhan Uddin and Rahman, Muhammad Mahabubur "Protection of children in conflict with the law in Bangladesh, Save the children (U.K.)
- Karzon, Sheikh Hafizur, "Negligence of Authorities Hinders the very purpose of Juvenile Justice system" Daily Star, September 28,2003.
- Karzon, Sheikh Hafizur, "Juvenile Delinquency; An inquiry into the causes" Daily Star, September 10 and 14. 2003. Law vision, issue: 8, December 2002-2003.
- Mookerjee, Asotosh, The Juvenile Justice Act,1986 with some state rules.
- Rubin, Sol " juvenile offenders and the Juvenile justice system"
- Shoshur Bari- Street Children in conflict with the law, Save the children (U.K)
- Save the children (U.K) Bangladesh, "Roundtable on children in jail, Daily star, june 9, 2002.
- Siddiqui, Kamal, "Towards a strategy of CRC Implementation in Bangladesh", draft report prepared for save the children UK 2000.
- The Juvenile Justice System, Malcolm W. Klein(editor) Sage publications. Vol. V. sage criminal justice Annuals.
- The children Act. 1974
- The Social Organization of Juvenile Justice AAROW V. CICUREL-University of California, Santa Barbara.
- Van Beureu ,Geraldine, "The international law on the rights of the child", Save the children, Martinus Nijhoff publishers, Dordrecht et Al, 1995.