

# Justice and Prison Reform for Promoting Human Rights and Preventing Corruption

## Project description

**Title:** Promoting political human rights and the fight against corruption through judicial and prison reform

**Commissioned by:** German Federal Ministry for Economic Cooperation and Development (BMZ)

**Country:** Bangladesh

**Lead executing agency:** Ministry of Home Affairs for the component entitled 'Promoting political human rights through prison reform' and the Ministry of Law, Justice and Parliamentary Affairs for the component entitled 'Judicial reform and the fight against corruption'

**Overall term:** 2012 to 2018



## Context

The judicial system in Bangladesh faces many challenges: a lack of financial resources, outdated legislation and insufficient cooperation on the part of institutions. Furthermore, imprisonment in Bangladesh simply means 'locking away', without any strategies for rehabilitation or reintegration. The country's prisons are severely overcrowded. Almost 70% of prisoners are held in pre-trial detention. Such detention is often imposed on the basis of suspicion and irrespective of the severity of the offence. In most cases, the detention period is several years since it can take up to 15 years for a legal case to

be processed. Many women and girls are also held in protective custody.

Corruption is rife and justice is considered to be something that can be bought. Access to legal aid has therefore become invaluable for many, primarily socially disadvantaged groups.

In view of these intolerable conditions within prisons, the central Prison Directorate even explicitly states that overcrowding prevents it from being able to adhere to the minimum standards for prisons required by the United Nations – namely, sufficient light, ventilation, space and privacy. Many laws are severely outdated, often originating from the colonial era in the 19th century.

## Objective

In order to implement human rights and ensure that these are protected in the long term, the judicial system in Bangladesh is considering new approaches to reform and is integrating examples of where institutional cooperation has worked well.

## Approach

The project comprises two components:

### 1. Promoting political human rights through prison reform

In order to reduce both the case backlog and prison overcrowding, paralegals are helping the police, prisons, lawyers and the courts to work together. The role of the paralegals is based on that of paramedics – citizens who are able to carry out more minor medical procedures following a short but intensive period of training.

Paralegals bridge the gap between the judicial system and prisoners. They inform them about their rights and sit on Case Coordination Committees, which bring together representatives of all of the parties involved. Support is provided to the Prison Directorate in carrying out modernisation measures, thereby advancing the reforms of the underlying laws.

Categorisation helps prisons to become better organised. Prison officers are trained to assess whether detainees pose a danger to society. During the course of the project, they have determined which groups will not pose a risk and can therefore be released. Included in such groups are the innocent or prisoners who are being detained unlawfully, the terminally ill as well as prisoners awaiting trial who have already spent longer in prison than the sentence for the crime they have committed.

The programme, which will run until 2018, is being carried out in five districts of Bangladesh. Thanks to the considerable co-financing of the UK Department for International Development (DFID), over the next few years the programme is to be introduced to 40 prisons, compared to the current five. The number of paralegals will rise from 18 to 450.

To date, paralegals have worked together with non-governmental organisations in five districts. Their work focuses on speeding up proceedings and securing the early release of innocent prisoners, especially women and children. They pass on information and advice to prisoners and their families while at the same time offering support to lawyers, police and the courts. The paralegals also help to reintegrate former prisoners into the community.

In the pilot prisons, Paralegal Aid Clinics are offered on a regular basis. These provide information on criminal law, legislation, legal proceedings, court structures, legal practices, bail and guilty pleas.

Co-financing for this component comes from the Spanish Agency for International Development Cooperation (AECID) and the UK Department for International Development (DFID).

## 2. Judicial reform and preventing corruption

The second component supports the Ministry of Law, Justice and Parliamentary Affairs and the Anti-Corruption Commission (ACC).

Advice is given to the Ministry of Law, Justice and Parliamentary Affairs on the revision of outdated laws. The causes of blockages and the backlog in cases are identified by investigating obstacles in the local courts, the police and other institutions. On the basis of the findings to the investigations, the Ministry determines the order in which laws and procedures need to be amended or restructured.

The project supports the Anti-Corruption Commission (ACC) in developing a Strategic Plan. Capacity development also takes place, thereby enabling the anti-corruption authorities to carry out the necessary measures together with the help of municipal partnerships.

This component will initially operate in five districts in Bangladesh.

### Results achieved so far

All actors are working together for the first time in order to implement new measures.

At present, 18 paralegals are supporting the flow of information between the selected prisons in the participating districts of Dhaka, Bogra and Madaripur. The Case Coordination Committees have already taken measures to reduce the number of detainees. These measures include identifying obstacles to the legal process. When these are identified, further steps are initiated to ensure that the problem is addressed rapidly. So far, more than 22,000 cases have been processed and some 2,600 people have been released.

Measures are taken to raise awareness among prison officers of good prison management and human rights. They are taught how to treat prisoners and defendants and what is meant by dynamic security. At the same time, inmates are informed of their rights. Children of released prisoners are reintegrated and attend school.



In this second component, the project worked together with the Anti-Corruption Commission to stage a conference in the district of Mymensingh on preventing corruption. The conference aroused considerable media interest. Not only NGOs, but also judges, law officers and schools in the region took part in the conference. In addition, an integrative curriculum for schools is being developed together with the British Council in five pilot districts, focusing on combating and preventing corruption.