

In the Name of Allah, the Most Gracious, the Most Merciful

***“Massive Capacity Building at the Management Level for
Effective Police Action on Violence against Women”***

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Abstract:

Bangladesh's patriarchal family and societal system has generated a tradition of gender based violence at community and family level that is tacitly accepted as a social norm and overwhelmingly ignored by the police in favor of the perpetrators. Notwithstanding, the historical practice demonstrated through brutal physical violence, emotional cruelty, social humiliation, discrimination in all spheres and perpetual loss of basic citizen's right the country has made considerable progress in terms of addressing the determinants of violence against women.

This is an empirical study based on literature review, case study and media exposure that is nationally representative. The scope of the research is to assess the causes of impunity for violence against women and the role of police both as perpetrator and arbitrator. In Bangladesh the Cruelty to Women (Deterrent Punishment) Ordinance (1983) and Dowry Prohibition Act (1980), the ratification of CEDAW and programs by NGO, civil society and development partners for awareness, education and attitude change has not significantly diminished these acts of crime and establish a system of accountability to the public. There is need for attitudinal and behavioral change amongst the police force that requires environment conducive for sustainable internalization.

The Police Reform Program is a significant milestone to institutionally develop the skills and capacity of the police force in Bangladesh. But it lacks legislative enactment for redressing the vested political interest and the power game of the influential. The police are often times exploited by the players in the power game. Due to their weak socio-economic status and minimal access to basic rights they evolve into a desensitized group becoming a significant challenge for addressing gender based violence.

Police Reform Program for increasing women recruits at all levels and establishing gender and violence against women training paradigm should be; monitored and evaluated on set targets and visible achievements both quantitative and qualitative, the basic rights of the police is ensured, mass campaign to highlight their roles and responsibilities launched and punitive measures for any regularity carried out. The reform needs to address the critical issue of creating respect and esteem for the police establishment.

Massive Capacity Building at the Management Level for Effective Police Action on Violence against Women

1. Introduction

Violence against women is a violation of dignity, safety and human rights. The problem is immense, which may take various forms, e.g. domestic violence, violence against women in conflict situations and against victims of human trafficking. Yet violence against women is often seen as a private matter, something that goes on behind closed doors. But it is a crime. Some countries lack laws that criminalize violence against women. Others have the laws, but fail to implement them. There is really no excuse for this because the state has a responsibility to protect the victims.

Violent acts committed against women include rape, domestic violence, honor killings, acid burnings, female genital mutilation, stoning, dowry deaths, sexual slavery, and other forms of abuse and exploitation. In many regions of the world there are still cultures that engage in harmful traditional practices involving women and girls. These may be based on tradition or religion and are often locally viewed as acceptable cultural practices. They include honour killings, dowry murders, female genital mutilation, forced virginity testing, marriage, widowhood rituals, selected abortion of female fetuses, preferential feeding and care of male infants and coming-of-age rituals for girls that include branding, burning, tattooing or scarring. The rape of women has been used as a tool of terrorism and ethnic cleansing in conflicts in Bosnia, Rwanda, and other war-torn countries. Those women who flee persecution as refugees often tragically continue to face violence.

Violence against women is a global epidemic that requires a global strategy for effective prevention. During the last two decades, many global initiatives had been taken to promote and enforce women's rights. They include the Declaration of the Decade for Women (1975-85), the adoption of the Convention of the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979, four World Conferences on Women, the adoption by consensus of the Nairobi Forward Looking Strategies (1985), and the Beijing Platform for Action (1995). Despite all these efforts, however, little headway has so far been made in achieving women's rights. This was noted in the Fourth World Conference on Women which accentuated the need for State actions at national level.

At the United Nations level, UNiTE to End Violence against Women campaign has been initiated in 2008 to prevent violence against women all around the globe. 'UN Women', a new entity recently created merging four UN offices working on women, will commence operation in January 2011. For effective implementation of the good practices globally, the UN Office on

Drugs and Crime this year has produced a Handbook on Effective Police Response to Violence against Women.

In the South Asian countries the scenario remains grim. All forms of violence and discrimination against women are prevalent. Bangladesh has ratified several international conventions including the Beijing Platform for Action 1995. The government is recently putting effort to promote women's rights and prevent violence against women by forming cells for prevention of repression against women. A National Council for Women's Development has been established consisting of ministers, secretaries and public representatives. "Nari Nirjaton Protirodh Cells" (Prevention of Repression against Women Cells) within the Police Headquarters have been set up to take specific cases and complaints involving violence against women. Committees at the district and thana (administrative units small than a district) levels have been set up which receive complaints and take steps to settle the complaints. In India, the most successful initiative for effective police action has been taken in the form of setting up Crimes against Women Cells. A Women Police mobile team is available round the clock at such cells to attend to distress calls received through the helpline or directly in the Cell. The staff receives continued training in dealing with distress calls, and is equipped both to initiate criminal action and to provide counselling and other assistance. Other South Asian nations are trying to take similar meagre attempts for effective police action against repression of women.

There are examples of good practices in some countries. In Kosovo, as in the Balkans, high percentage of women police is recruited. In Brazil specialized police stations have been set up to deal with women victims of domestic and sexual violence. Establishment of three London "havens", which give victims access to medical treatment, forensic examination and support services, has proved to be effective. The Alberta Relationship Threat Assessment and Management Initiative in Canada coordinates the efforts at the national and community level in order to effectively address threats posed in violent, high-risk relationships and stalking situations.

2. South Asian Scenario

2.1 Bangladesh

2.1.1 Introduction: Following the declaration of UN Decade of Women (1976-85), the Government of Bangladesh and some NGOs have undertaken several programmes for the advancement of women. Simultaneously the women's movement has played an important role in enhancing women's participation in every sphere of life in order to achieve equality. As a result, over the last two decades, women in Bangladesh have gradually become more visible in the labour force, in development programmes and local institutions such as local government bodies.

Although, the Constitution of Bangladesh and the general laws of the country entitle women to

equal rights and status to those of men in public life, but non-discrimination in the private sphere does not prevail. Consequently there are significant disparities between men and women in all realms of life. Lack of equal access to economic opportunities, education, health services and their lesser role in decision making perpetuate women's subordination to men and susceptible to violence. All sources of information – be it news reports, records from State institutions or research – show that there is an increasing trend of violence against women.

Since the Beijing Platform for Action (1995), the Government of Bangladesh has also identified violence against women as a priority issue. Given this recognition, incidences of violence against women today receive greater attention than they did a decade ago.

Culturally and socially the family is still seen as the rightful place for women and yet it is within this arena where power relations are often played out. It is on the one hand, a source for positive nurturing and caring where individuals bond through mutual respect and love. But on the other hand, in many cases, it becomes the site for discrimination, deprivation and exploitation. It is where discriminatory socialization processes occur, which in turn result in promoting and justifying violence against women.

2.1.2 Commitments of Bangladesh: Bangladesh has endorsed the Platform for Action (PFA) of the Fourth World Conference of Women held in Beijing in 1995 without any reservations and it committed to ensuring its implementation at national level. Accordingly a National Action Plan (NAP) was drafted (February 1997) for the advancement of women through reviewing twelve ministries. Apart from other issues, the NAP envisaged a specific national policy on violence against women adopting the definitions of Beijing Platform of Action.

Following the NAP, the government declared a National Policy on Women on 8 March 1997. The National Policy identified actions against violence against women as a priority area for government intervention. Bangladesh has also ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) with reservations of Articles 2 and 16.1 c. These reservations are in process of being reviewed. The Government has also acceded to the Convention on Political and Civil rights (6/12/2000), and the Convention on Social, Economic and Cultural Rights (5/1/99).

By ratifying CEDAW the government undertakes to implement its provisions. Article Two on State obligations states that “ State parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women”. This includes abolishing all existing laws, customs and regulations that are discriminatory, establishing legal protection for women's rights, and taking “appropriate measures to eliminate discrimination against women by any person, organization or enterprise. The Government of Bangladesh has the responsibility to enforce and ensure the implementation of the rights mentioned in the CEDAW Convention.

The Convention applies to violence perpetrated by public authorities. Such acts of violence may breach that State's obligations under general international human rights law and under other conventions, in addition to breaching this Convention.

2.1.3 Law of the Land: The existing laws in Bangladesh also deal with varied cases of violence against women and provides punishment for the violators.

The Penal Code of Bangladesh contains provisions that protect women from various forms of violence, although it does not specifically define 'sexual assault'. However, offences related to rape, kidnapping, abduction of women, acid throwing or attempt to cause death or grievous injury because of dowry are treated as specific crimes of serious nature. The Penal Code prescribes capital punishment for kidnapping, abduction, acid throwing and rape.

The government promulgated a number of laws reflecting the provisions of the Penal Code with some modifications necessary to address the specific crimes

The Muslim Family Laws ordinance 1961 provides a set of regulations for Muslim women in case of succession of family property, marital dispute and divorce.

The Dowry Prohibition Act of 1980, later amended by the Dowry Prohibition (Amendment) Ordinance 1982, had been enacted to prohibit the taking or giving of dowry in marriage. If any person after the commencement of this act gives or takes dowry, his punishment will be five years' of imprisonment .

The Cruelty to Women (Deterrent Punishment) Ordinance 1983 is a special law providing for deterrent punishment to the offences of cruelty to women. This ordinance includes offences like kidnapping, trafficking, dowry death and torture, rape etc. The offences under this ordinance shall be tried by criminal courts. All provisions under this ordinance shall have effect over other general laws.

The Child Marriage Restraint Act 1929 (as Amendment in 1984) defines the terms, 'child and minors', meaning a person under twenty one years of age in case of male and under eighteen years of age in case of female. The Act also describes the punishment for male adult above twenty one years of age or female adult above eighteen years of age contracting a child marriage shall be punishable with simple imprisonment which may extend to one month, or with fine which may extend to one thousand taka or with both.

The Family Court Ordinance 1985 provides for the establishment of Family Courts at the district and Upazila level. It extends to the whole of Bangladesh except the districts of Rangamati Hill Tract, Bandarban Hill Tract and Khagrachari Hill Tract. The Family Court shall have exclusive jurisdiction to entertain, try and dispose of any suit relating to, or arising out of dissolution of marriage, restitution of conjugal rights, dower, maintenance, guardianship and

custody of children.

Prevention of Repression of Women and Children Act 2000 replaced the Repression of Women and Children (Special Enactment) Act 1995 describing punishment of related offences. It provides for Special Courts for the cases coming under the Act. The offences are considered to be non-bailable (with certain exceptions).

2.1.4 Capacity Building at the Management Level

2.1.4.1 Police Action: “Nari Nirjaton Protirodh Cell” and “Women’s Investigation Cell”:The Government of Bangladesh in 1993 has set up a cell, called “Nari Nirjaton Protirodh Cell” (Prevention of Repression against Women Cell), within the Police Headquarters, to take specific cases and complaints involving violence against women. This cell is administered by an Inspector and collects monthly data from all districts. Whenever any complaint is made in writing or on receipt of any news item reporting an offence against women brought to the notice of the cell, the Officer in Charge of the above mentioned cell endorses the complaint to the concerned police station within whose jurisdiction the crime has been committed with an instruction to inquire into the matter and submit a report within a specific period. On receipt of the report from the concerned Police Station, the officers of the cell either file the case or issue instruction for fresh enquiry. Similarly the Home Ministry set up another cell as a pilot basis called “Women’s Investigation Cell” at Mirpur specifically to deal with violence committed against women as well as monitoring such offences/complaints within Mirpur area. Four women Sub-Inspectors, two women Assistant Sub-Inspectors and ten women Constables under the Officer in Charge of Mirpur Thana will perform their duties. The main responsibility is to investigate the case specially filed under Repression Against Women and Children (Special Ordinance) 1995.

2.1.4.2 National Council for Women’s Development: A 44 -member National Council for Women’s Development has been established in 1995, which is a national mechanism for women’s advancement. It consists of Ministers and Secretaries from several line Ministries, public representatives and eminent individuals with the Prime Minister as Head of the Council. This council has undertaken the problem of violence as one of its areas of specific intervention. It is mandated to formulate laws and rules to establish women’s legal rights, their development and the prevention of oppression against women.

2.1.4.3 Inter-ministerial Advisory Committee :The Government has also set up an Inter-ministerial Advisory Committee, chaired by the State Minister of Women and Children’s Affairs for the Prevention of Repression against Women and Children. Secretaries of several ministries including Home, Law, Health, Information and Local Government are members. The Committee also includes chairperson of BJMS and several members of the Parliament as members. The main function of the committee is to review the cases of violence against women received through Department of Women’s Affairs field offices, assess the cases that were disposed of

and the reasons for those not being disposed of.

2.1.4.4 Committees at the District and Thana Level : To prevent violence against women at the district and thana (administrative units making up a district) level, committees have been set up by the Department of Women and Children's Affairs in every district and thana under the chairmanship of the Deputy Commissioner and the Thana Nirbahi Officer respectively and the Women's Affairs Officer is the Member Secretary. These committees receive various cases and complaints. Upon receiving complaints, the main responsibility of Thana committees is to take necessary steps to settle complaints through mediation, provide counselling and assist with legal proceedings. The Thana committees refer the cases to the district committee which cannot be resolved by it and by district committee to the Director, Women's Affairs Division. Each committee within its jurisdiction adopts measures to resist violence, strives to convert anti-dowry campaigns into a national movement and collect statistics on the instances of violence. The Deputy Commissioner is responsible to furnish monthly reports on violence in the district including the thanas to the Women's Affairs Division.

2.1.4.5 One-stop Crisis Centers: In dealing with violence against women the intersection of the health and legal systems has been recognized to be of specific importance. It is recommended by WHO that national health services shall include appropriate services for victims of violence, including medical examination and documentation, care, medical and judicial counseling. A pilot project has been undertaken by the Government with assistance from the Royal Danish Embassy which is expected to lead to a sustainable structure in place for the prevention and redress of violence against women, which might include six One- stop crisis centers (OCCs), one each in each of the divisional towns. The OCCs are supposed to act as demonstration and referral centers in terms of treatment, and as extension centers in terms of spreading knowledge and awareness of techniques and procedures about the handling of cases to the district hospitals and thana centres. The long-term strategy is to integrate the handling of cases of violence against women into the normal routine of health centers and police stations. The OCCs are to be set up as independent units in the hospitals, functioning in close collaboration with the emergency wards. They are to have their own staff with medical officers, nurses and a medical social worker and appointed police officers on duty 24 hours. The service will offer admission to a 8 bed unit for a limited period and provision afterwards of shelter, legal aid and cooperation with different NGOs. The OCC is to take care of the victim's need for safety, medical examination and documentation of sequels to rape or other types of violence, medical care and counselling. The OCC is also to provide the opportunity for the victim to have the case filed directly by police officers attached to the centre.

2.1.4.6 Women's Support Centre : The Department of Women and Children's Affairs is also running Women's Support Centres and shelter homes in Dhaka and in 6 divisional headquarters to provide shelter and other support facilities, i.e. food, medicine, clothes, legal aid, rehabilitation etc., to distressed, shelterless and oppresses women. The centres are mainly maintained to

give shelter to abused women and their children, impart to them vocational training and provide financial assistance for establishing them as self-employed persons. Usually the women stay in these shelter homes for about six months or until the case is resolved.

2.1.4.7 Jatiyo Mahila Shangstha's Nari Nirjaton Protikar Cell :The cell is attached to its central office. It maintains 12 centres in Dhaka and 8 centres in other divisional towns for vocational skill training and credit services to poor and destitute women. The organization maintains 64 district offices, and 50 thana branches, which conduct vocational training courses.

2.1.4.8 NGO Support Services : NGOs and women's organizations provide free legal and paralegal services. Some run shelter homes as safe custody rehabilitation centres for distressed women. They provide medical and other logistic support to women seeking shelter. They also organise training for self-employment and economic development.

2.1.4.9 Media : The Media has been playing a significant role in disseminating information about the incidents of violence and creating awareness and campaigning against the violence. Everyday newspapers bring out a number of different incidences of violence to the public notice. Newspapers, Radio and different TV channels are dedicating their efforts in raising public awareness and bringing the authorities into actions.

2.2 Pakistan : In Pakistan, a total of 8,548 incidents of violence against women were reported in the four provinces and Islamabad in the year 2009, according to the annual report of the Aurat Foundation. The women organization reported that 5,722 cases were victims of violence in Punjab, 1,762 in Sindh, 655 in NWFP, 237 in Balochistan and 172 in Islamabad during the year. It said 1,384 women were murdered, 928 raped, 683 committed suicide and 604 murdered in the name of honour. Almost all these cases were reported in the press.

The Aurat Foundation and the Violence Against Women watch group expressed their outrage at the murder, rape, torture, kidnapping and killing of women and criticised state institutions for not taking effective measures to discourage violence against women.

According to the report, out of 1,345 cases of murder, 752 had been registered in Punjab, 288 in Sindh, 266 in the NWFP and 39 each in Balochistan and Islamabad. Similarly, out of 604 cases of honour killings, 245 had been reported in Punjab, 284 in Sindh, 14 in the NWFP, 59 in Balochistan and two in Islamabad. Similarly, out of 1,987 cases of abduction/kidnapping, 1,698 took place in Punjab, 160 in Sindh, 64 in the NWFP, 13 in Balochistan and 52 in Islamabad. Out of 608 cases of domestic violence, 271 were reported in Punjab, 134 in Sindh, 163 in the NWFP, 22 in Balochistan and 18 in Islamabad. Out of 683 cases of suicide, 448 took place in Punjab, 176 in Sindh, 43 in the NWFP, 10 in Balochistan and six in Islamabad.

Similarly, 928 cases of rape/gang rape took place across the country, out of which 786 were

reported in Punjab, 122 in Sindh, seven in the NWFP, four in Balochistan and nine in Islamabad. A total of 274 cases of sexual assault were registered countrywide, out of which 227 took place in Punjab, 44 in Sindh, two in Balochistan and one in Islamabad. No case of sexual assault was reported in the NWFP.

The overall situation regarding both women and the rule of law remains grim however. Pakistan's obligations under the UN Convention on the Elimination of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Covenant on Civil and Political Rights require the government to promote and protect the rights to life, to freedom and dignity of all its citizens, as well as their rights to be free from arbitrary arrest, detention and torture. The lives and welfare of those involved in love marriages are no exception to these obligations.

Pakistan's Women's Rights bill and Women's Protection Act of 2006 have also done little to change the conditions faced by Pakistani women, including deterring violence against women. It is thus clear that merely signing up to international laws or enacting domestic laws do not provide practical remedies for rights violations. It is also clear that violence against women and citizens cannot be overcome without reforming the entire law enforcement system as well as other public institutions. Laws protecting citizens' rights must be strictly enforced, and the country's justice system must be made to function in accordance with these laws. Members of the police, judiciary and other institutions must be trained in these laws and in international principles regarding non-discrimination and gender sensitivity. Only then can Pakistani women and men live in freedom and dignity.

2.3 Sri Lanka: The incidence of gender based violence that result in physical, sexual and or psychological harm or suffering to women including threats of such acts, coercion or arbitrary deprivation of liberty occurring in public or private life is widely prevalent in Sri Lanka. The long conflict in the country and the militarization has added yet another political and social dimension to this issue. Even though Sri Lanka has signed the Convention on the Elimination of all Forms of Discrimination against Women, it is not yet effective as part of its legal system. A lack of awareness of one's rights and non-availability of welfare relief centers, paucity of information, lack of advice and guidance available to women and girls have exacerbated this situation. In the tsunami and conflict affected areas the loss and destruction of family and community life have made women and girls even more vulnerable and insecure in their own environments due to ignorance of their own personal and property rights.

2.4 Nepal: In addition to growing attacks on the media and businessmen, Nepal has also witnessed a sharp rise in violence against women despite the new government's public pledge to end all violence against women in 2010, a report released ahead of International Women's Day said. In the first two months of 2010, there have been 54 reported incidents of violence against women, Informal Sector Service Centre (INSEC), Nepal's largest human rights

organization with offices in all 75 districts, said in a report issued in Kathmandu in March 2010. These include 10 murders, 21 incidents of rape and six attacks on brides for failing to bring dowry, the report said. Of the 10 murders, four victims were killed for insufficient dowry, three died after being assaulted, two were killed after being raped and one was set ablaze. There have been also rising incidents of domestic violence and torture while being held in police custody.

In all these incidents of violence, the attackers were near relatives of the victims, their neighbors, politicians, security personnel and even media people, INSEC said. People who went to police to file complaints were often been threatened that they too would be killed. The NGO has urged the government to amend laws to make them more effective, especially remove the short time frame given to rape victims to register a police complaint. In the budget tabled last year, Finance Minister Surendra Pandey had allocated funds to help victims of domestic violence in 15 districts. The NGO is asking the government to implement the promise and to extend the assistance to the remaining districts as well. The involvement of security personnel and the tendency of their superior officers to shield them have seen some of the most shocking cases of attacks against women.

Nepal was rocked last year by the gang rape of a police woman inside a police barracks by her own peers. However, the investigation forced by public outcry has not formally charged several of the people named as perpetrators by the victim.

Violence over dowry is rampant in Nepal's Terai plains. So are attacks against "bokshis" - women, often old and widowed, being killed or inhumanly abused by neighbours on the suspicion they were witches who made young children fall ill.

2.5 Maldives : Similar to women all over the world, the women of Maldives too face violence in various forms at home, in public space, at the workplace, and within the community in general. No quantitative research has been undertaken to assess the prevalence and impact of Gender based Violence (GBV) in the Maldives, nor is there statistical data available on the incidence of GBV. However, existing self-reported data on personal experiences of women provide a picture on attitudes, beliefs, behaviors, cultural practices and exposure to violence. Without doubt, GBV including all forms of violence against women and domestic violence has remained a long term practice, veiled in secrecy.

The Maldives is a member to the UN Convention on the Elimination of all forms of Discrimination against Women which requires states to eliminate all forms of discrimination against women that prevent their enjoyment of full civil, political, economic and cultural rights. As such the government in 1998 established the Ministry of Women's Affairs and Social Security (MWASS) and measures have been taken to improve the number of female atoll chiefs and for women to be represented atoll development committees.

The Family Act, which came in to force in 2000, contains provisions for the protection of rights of women. However, concerns remain about a number of factors: women are excluded from the offices of president and vice-president, there are no female judges, and women still have less access to higher education and legislative bodies at both national and local levels. There is also an absence of effective laws in relation to rape and violence against women and lack of support systems for such women. There are no formal services in place for victims of violence although the MGFDDSS attempts to guide victims of violence by providing information and advice and counselling services are also offered through the Society for Health Education (SHE). Family Law also remains gendered and has been identified as perpetuating traditional gender roles that may discriminate against women.

Since 1997 the MGFDDSS has carried out various training and publicity programmes to highlight the issues of domestic violence and violence against women. This has included the publishing of posters, production of an information video and a one-day training program for senior police officers held in 2003. After this training it was identified that police officers would benefit from practical training focusing on understanding the dynamics of domestic violence, how to deal with victims and gather evidence. The requirement for the establishment of a multi- agency framework to develop policy and deal with victims has also been identified by the MWASS.

2.6 India

2.6.1 Violence and Discrimination against Women : In Indian society, from cradle to grave there is a systematic discrimination against women, according to Ms. Kanwaljit Deol, Joint Commissioner of Delhi Police. Nutrition, health care, education are all withheld or provided grudgingly to daughters. Son preference is expressed in deep rooted cultural mores: blessings and rituals at a marriage, foods prescribed for pregnant women, condolences at the birth of a girl child. Violent crimes against women are both a continuation of the systematic discrimination against women and its results. The violator feels his acts are socially sanctioned; the evidence is manifest in all that he has witnessed since childhood. Women must be kept in their place, or else some great calamity may befall society.

In recent years there has been an alarming rise in violence against girls and women with domestic violence, molestation, and rape showing highest rate of growth both in the urban and rural areas in India. According to Action Aid India, one-quarter of the reported rapes involve girls under the age of 16. Large number of girls between the ages of 5 and 15 are trafficked or sold. Millions of girls are eliminated, some even before they are born. There are growing attacks by conservative and communal forces. Sexual abuse and violence is fuelling the feminization of the AIDS crisis . The unequal power relations between men and women in society and at home lie at the heart of this violence. However, a Social Research report reveals that nearly 5 crore married women in India are victims of domestic violence (DV). Only 0.1% (1 out of 1,000 DV cases) of these are being reported. Out of 100 cases that are ordered for investigation under 498A, only in 2 cases does the accused get convicted.

2.6.2 Legislation: The feminist movement of the 70s and 80s made a major contribution in getting this menace recognized as a critical area of concern in India. In the 1980s, the incidences of 'dowry death' were steadily rising in India, so women's organizations across the country pressurized the Criminal Law Amendment Committee (1982) and urged the government to provide legislative protection to women against domestic violence and dowry, so that the victim gets justice while she is still alive.

As a result of the intense campaigning and lobbying, significant amendments were made in the Indian Penal Code (IPC), the Indian Evidence Act and the Dowry Prohibition Act, with the intention of protecting women from marital violence, abuse and dowry demands. The most important amendment came in the form of the introduction of Section 498A in the IPC. This was the first time that an attempt was made to consider domestic violence against women a criminal offence.

The Indian Penal Code, Section 498A, has covered *husband or relative of husband of a woman subjecting her to cruelty*: whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

2.6.3 Police Action: Crimes against Women Cells : Towards an effective action against the cruelty to women, India set up the Crimes against Women Cell back in 1983 at a central level in the Delhi Police. It was the first police response meant specifically for women in India; and most likely anywhere in the world. For hitherto, crimes, or other forms of harassment faced by women, were handled by the normal police stations along with other crime and law and order issues. Counselling is the first response of the Crimes against Women Cells in domestic matters. Many families in India still continue to live as joint families and counselling often involves other members of the family besides the immediate protagonists. The aim of counselling continues to be to remove irritants in the marriage, to prevent abuse or to ensure that there is no further abuse, and to secure the position of the woman in the marriage. There has been criticism of this approach from several quarters. Some women's groups in particular were opposed to the police taking on the role of counsellors.

In 1986, separate cells on similar lines were set up in each of the nine districts of Delhi. Most importantly, the Central Crimes against Women Cell was provided with enhanced manpower, infrastructure and responsibilities. Counselling of families became an essential part of the functioning of these cells. Although this was informal at first, and resented by many as not a police role, it is now a sanctioned activity with staff being trained for the purpose and receiving support from social workers and recognized non- governmental agencies. Other cities and states in India have set up similar units within their police forces with some southern states experimenting with all-woman police stations to provide a more enabling environment for women complainants.

A significant service started by the Crimes against Women Cell is a 24 hour helpline that responds to callers in distress. The helpline number, 1091, is managed by the Police Control Room which receives and manages all calls for police help. A caller may directly access the helpline or be diverted from one of the general 100 services. A Women Police mobile team is available round the clock at the Crimes against Women Cell to attend to distress calls received through the helpline or directly in the Cell. The staff receives continued training in dealing with distress calls, and is equipped both to initiate criminal action and to provide counselling and other assistance. The team also provides links to emergency support services such as shelters and short stay homes, besides offering on the spot counselling and legal advice in needy cases. The Crimes against Women Cells maintain close interactions with agencies working with women (both government and private) and legal aid cells, and often refer the women who come to them to these organizations for counselling, temporary accommodation and legal aid.

According to Ms Kanwaljit Deol, there is a greater need for women police officers at all ranks and several states have introduced policies which envisage that a third of their police forces will comprise women. However, most police forces are reluctant to give up posts of male police officers in exchange, and states are understandably reluctant to sanction large increases ab initio.

Currently, women do not comprise more than five percent of the police forces nationwide; even if a third of all fresh recruitments were to be devoted to women it would take many years before the composition of the police forces as a whole could reflect that percentage. Added to this is the reality of many Indian women not seeing the police as an attractive career option and the consequent difficulty in finding suitable recruits.

Meanwhile, women's organizations in Delhi also had been lobbying for a more humane approach to crimes against women for some time and had even taken their protests to the streets on several occasions. In particular the pernicious influence of Dowry had been receiving vociferous condemnation from these non-governmental groups and considerable media support had also been built up.

2.7 Dhaka Declaration : Parliamentarians from Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, Sri Lanka and Iran, meeting in Dhaka, Bangladesh, on the 18-19 March 2003, at the Regional Workshop on Parliamentary Advocacy for the Prevention of Violence Against Women in South Asia, issue the Dhaka Declaration voicing their concerns about the crimes committed against women. They recognized that violence against women and girls taking place within the family, community, at the work-place or in society which includes, *inter alia*, ill-treatment, battering, incest, sexual harassment, sexual abuse, custodial violence, trafficking in women and rape, is a violation of the right to life, safety, liberty, dignity and physical and mental integrity of the victim and therefore an obstacle to the development of a democratic society.

They also recognized that domestic violence against women in the South Asian region is widespread and persistent, and that insufficient legal instruments and inadequate implementation of the laws that exist results in women suffering violence in the family. They were also concerned because of the fact that violence against women in the home and in our societies directly and indirectly affects children and can often create a cycle of violence and abuse that is perpetuated through generations in families, communities and our societies. Violence against women has long-lasting negative impacts on children.

The Parliamentarians of the Dhaka meeting committed themselves and called on Parliamentary colleagues, Governments and peoples of participating countries to strive for primary prevention of violence against women by empowering women through access to education, laws, policies and programmes including income generation and poverty reduction, so as to enhance the role and status of women in their communities. "We commit ourselves to giving priority to the raising public awareness on women's human rights and violence against women as a basic aspect of development, peace and progress." They declared for promoting the creation of a non-violent culture through education and sensitization strategies targeting men and women, especially through the mass media and the education sector, as fundamental tools to prevent intergenerational and social violence. The Dhaka Declaration also called upon the Heads of State / Governments to use the South Asian Association for Regional Cooperation to designate a particular year as the South Asian Year of Eliminating Violence against Women.

3. Global Initiatives

Global initiatives taken to promote women's rights include the Declaration of the Decade for Women (1975-85), the adoption of the Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1979, four World Conferences on Women, the adoption by consensus of the Nairobi Forward Looking Strategies (1985), and the Beijing Platform for Action (1995). In spite of all these initiatives, progress in the achievement of women's rights has been slow world-wide. When the assessment of the implementation of the Forward Looking Strategies was carried out for the Fourth World Conference on Women, it was acknowledged that a decade after Nairobi, equality between and men has not been achieved. The Fourth World Conference on Women has brought fresh commitment to the realization of women's equal rights. This conference again emphasized that State actions at national level in fulfilling their obligations to women have yet to be systematically monitored and used as a base by women for advocacy.

United Nations Secretary-General Ban Ki-moon's UNiTE to End Violence against Women campaign has been launched in 2008 to prevent and eliminate violence against women and girls in all parts of the world. UNiTE brings together a host of UN agencies and offices to galvanize action across the UN system to prevent and punish violence against women. Through the campaign, the UN is joining forces with individuals, civil society and governments to put an end to violence against women in all its forms.

By 2015, UNiTE aims to achieve the following five goals in all countries:

- A. Adopt and enforce national laws to address and punish all forms of violence against women and girls ,
- B. Adopt and implement multi-sectoral national action plan.
- C. Strengthen data collection on the prevalence of violence against women and girls
- D. Increase public awareness and social mobilization and
- E. Address sexual violence in conflict

In a historic move, on July 2010, the UN General Assembly voted unanimously to create a dynamic new entity merging four United Nations offices focusing on gender equality, a move hailed by Secretary-General Ban Ki-moon and other senior officials. The new body will merge four of the world body's agencies and offices: UN Development Fund for Women, the Division for the Advancement of Women, the Office of the Special Adviser on Gender Issues, and the UN International Research and Training Institute for the Advancement of Women. "By bringing together four parts of the UN system dedicated to women's issues, Member States have created a much stronger voice for women and for gender equality at the global level," said the Secretary-General. "It will now be much more difficult for the world to ignore the challenges facing women and girls – or to fail to take the necessary action," he added.

UN Women is the result of years of negotiations among Member States and advocacy by the global women's movement. Set to become operational next January, it will drive the world body's efforts to promote women's rights. UN Women is set to have an annual budget of at least \$500 million – double the current combined resources of the four agencies it will comprise. Mr. Ban acknowledged that many Member States are facing resource constraints due to the global economic downturn, but expressed confidence that the new office will receive strong financial support.

4. Good Practice Examples

4.1 High Percentage of Women Police in Kosovo : To help ensure employment equity and to make the police more approachable to women, the Organization for Security and Co-operation in Europe has made efforts in Kosovo and elsewhere in the Balkans to make the recruitment of women police a high priority. National police academy classes have averaged 18 per cent women, which was previously unprecedented in the region. At the same time, the issue of domestic violence has been strongly emphasized, both as a social problem and as a crime to be investigated, in police academy training.

4.2 Police Support Units in Brazil: Brazil was the country that pioneered the use of specialized police units to support women who had been victimized by domestic violence. In 1985, in one state, Brazilian police set up the first specialized police station to deal with women victims of domestic and sexual violence. The establishment of these facilities stemmed from the

realization that, although violence against women was a widespread occurrence in society, there were few police reports on such cases and consequently few cases reached the courts and were tried.

Feminist organizations, which since the 1970s had been offering legal and psychological support services to victims of domestic violence, reported that the few women who had the courage to approach the police and file a complaint against their abusive husbands were discouraged by untrained law enforcement officers: the women were not believed; they were sometimes humiliated, made to feel responsible for the incidents and subjected to questioning that invaded their privacy. Ultimately, complaints were rarely recorded and the women were advised to return home and try to make amends for what had happened by “cooking their husbands a tasty dinner and not provoking further arguments”. In cases of sexual abuse, the humiliation was even worse and in most instances the victims were accused of having caused the situation.

To change this state of affairs, the Government of the State of Sao Paulo set up the first police support unit for women. Under the initial project, assistance was to be provided solely by female police officers in the belief that it would thus be easier for victims to speak about the assaults they had suffered. Given the recognized complexity of spousal abuse, the units would, in addition to police services, offer psychological, social and legal support. To ensure that victims were treated with respect, all practitioners working in the unit were required to complete gender-awareness and other specialized training courses.

4.3 “Havens” in the United Kingdom: In the United Kingdom, the London Metropolitan Police have adopted a “victim-focused” approach to rape investigation, which has included the establishment of three London “havens”. The havens’ services give victims access to medical treatment, forensic examination and support services while remaining anonymous. They also provide access to sexual offence investigative technique officers and help victims seek advice anonymously. Where forensic evidence from anonymous reports is established, victims can be contacted by health-care professionals informing them that there is corroborative evidence or evidence to link to other offences. This supportive process can lead to prosecutions of cases that would previously have gone unreported. Any breach of this confidential service by the police or havens would seriously undermine confidence in the havens’ services and the Metropolitan Police.

4.4 The Alberta Relationship Threat Assessment and Management Initiative : In Alberta (Canada), the provincial government has established a domestic violence threat assessment unit that involves academic specialists, family law experts, child intervention case workers, police and prosecutors. The Alberta Relationship Threat Assessment and Management Initiative coordinates the efforts of justice officials, along with community organizations, to more effectively address threats posed in violent, high-risk relationships and stalking situations. The initiative further serves as a resource to police across the province, as well as to women’s

shelters, corrections officials, mental health workers and communities.

5. The UN Handbook on Effective Police Response

5.1 Introduction : The UN Office on Drugs and Crime this year has produced a Handbook on Effective Police Response to Violence Against Women for effective implementation of the good practices world-wide.

Historically, in many States, police responses to violence against women have been typified by uneven service delivery, underreporting by both police and victims, and victim dissatisfaction. Many police officials have viewed domestic violence as a “private” matter, best left behind closed doors. This has resulted in attitudes and systems that minimize police responses and discourage specialized responses to women who are victims. Officers who do take action to better meet the needs of women victims of violence have sometimes faced recriminations and social isolation, with their efforts being denigrated.

In times past, in many countries, police have not fulfilled all these duties as they related to violence against women. Often, police have not taken specific steps to respond to or prevent violence against women. In some contexts, a major complaint of women has been uneven service delivery or sometimes no response at all to complaints of violence. This has at times been compounded by limited access to police and the ability of women to report victimization.

In the recent past, in many parts of the world, much has changed. Some Governments and police agencies have adopted standardized definitions of domestic violence, improved access to the police and other services for victims, hired and promoted more women police officers, implemented standardized protocols for reporting, investigation and documentation, and improved measures to meet the needs of victims and provide protection from further harm. There has been improved police training and the creation of specialized investigative units to respond to reports of domestic violence. New laws have been enacted and, in some States, specialized courts devoted to domestic violence have been established.

Programmes that promote community education, greater awareness and the prevention of domestic violence have also been set up. Local authorities and national Governments in many States now collect and monitor statistics relating to violence against women. The police have a vital role to play in the prevention of violence against women. One part of this is how they respond to incidents and what measures are taken to protect the woman in the immediate aftermath, before and at trial, and afterwards.

5.2 Medical assistance/victim examination : One aspect of ensuring the safety of a woman who has experienced domestic violence is the quick provision of medical assistance. Ideally, medical personnel attending to a female victim, especially one who has been sexually

assaulted/raped, are themselves women. This helps alleviate any discomfort the woman may experience during treatment.

In cases of domestic violence and sexual assault/rape, medical personnel can provide several services, including treatment of physical injuries, counselling or referral to counselling, and can assist with the collection and documentation of evidence of the crime. In incidents of rape, they can also address the risk of sexually transmitted diseases and HIV/AIDS transmission, including by preventive treatments, testing and counselling.

Medical personnel who assist police with evidence collection should have some level of training and direction in what to collect and how to do it, and in proper methods of documentation. In all medical examinations where forensic evidence is collected, the privacy and confidentiality of the victim is to be maintained and the only information handed over to police should be that which relates directly to evidence of the type described above. Police will need to make a record of the name and contact information of the medical personnel involved, in case their testimony is required at trial.

One approach to the collection of evidence in the investigation of a rape or other form of sexual abuse is the use of a specific protocol and kit. Often these protocols include the provision that only women investigators and women medical personnel should collect such evidence and that this should be done in a private setting within a medical facility.

In many States, medical personnel (most often situated in hospitals) have undergone special training in the collection of forensic evidence from victims of rape and sexual assault. These practitioners often use specialized evidence collection kits and forms to document evidence found. This includes diagrams to note the injuries to a victim.

5.3 Victim interviews and statements: Police conduct interviews of victims to ascertain what happened, collect evidence and help formulate measures designed to prevent further acts. Interviewing women who have been victims of violence requires care, patience and sensitivity. Some may be reluctant to give full details or hesitant to relate facts, or may attempt to withdraw their statement at some point. In addition, victims have the right to refuse to give a statement or to provide one at a later date. Police interviews of victims may be conducted in the home, at a shelter or in a hospital, or at a police station. Regardless of the location, police are required to conduct all such interviews in a manner that respects the privacy and confidentiality of the victim. Every police interview of a woman victimized by domestic violence should include at some point the discussion and creation of a personal safety plan for the victim.

For women going to the police station to make a report, many feel more comfortable if someone accompanies them to the station since it is often a very difficult step for them. It is important therefore that victims are allowed to be accompanied by a confidante.

Many women are so nervous upon arrival at a police station that they have difficulty relating a narrative with a beginning, middle and end. Such situations generate stress and may cause police officers to become impatient and assume an attitude of detachment, scorn and even rudeness. To overcome such situations, police officers or volunteers on reception duty should ideally undergo gender-awareness training to treat women with respect, ascertain what matter brought them there, check whether they have any injuries and require medical treatment, and ensure that they are in a fit state to give an account of what happened.

Women are often reluctant to seek help from the police or prefer to stay anonymous when reporting because they fear that their privacy and confidentiality will not be safeguarded. They are often ashamed or embarrassed by what they have experienced, especially in cases of sexual abuse or rape. Many women also fear that their abusers will find out about the reporting and kill them, or that their families and communities will humiliate them if they find out. Officers need to be aware that they are there to help, not to judge, and that the woman should be treated at all times without prejudice or discrimination. Interviews of victims should only be conducted once the immediate safety of the woman has been assured and any injuries have been treated. Ideally, police stations have private, quiet areas where victim interviews can be conducted. Interrogation rooms are not appropriate places for such interviews. Areas should be close to the front reception area, but removed from public view.

5.4 Specialized investigative units support and services : Depending on the police agency, there are a number of specialized groups involved in work relating to violence against women and, more particularly, domestic violence. These include: Investigative units dedicated solely to responding to incidents of domestic violence, including all aspects of the investigation and assurance of victim safety. In some agencies, these units are comprised entirely, or mostly, of women investigators. The Handbook suggests Criminal harassment/stalking units, which investigate and intervene in cases of ongoing harassment where it is criminalized, sometimes defined as “stalking”.

Victim services can consist of paid or volunteer staff who are called out to crime scenes to take over the comfort and aid of victims from the investigating officers. These workers help with access to additional support services and financial compensation where available. They may also attend court with the victim as one measure of support and keep her notified of the status of her case and resultant trial.

6. Conclusion and Recommendations:

Whatever might be the cause, the gender-based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on the basis of equality with men. As the Convention of the Elimination of All Forms of Discrimination against Women (CEDAW) spells out, “gender- based violence, which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights

conventions, is discrimination within the meaning of article 1 of the Convention”.

The role of power relations explains also why girl children are frequently victims of sexual and other violence, being relatively more powerless and vulnerable. Violence against girls takes place in the wider context of patriarchy, gender based discriminations and poverty. Girls are at high risk in the community, in the family, on the way to and from schools, and in school grounds and classrooms. In school, violence takes a range of forms including aggressive sexual behaviour, intimidation and assault by older boys, sexual advances by male teachers, corporal punishments and verbal abuse.

To combat the social menace the governments must follow the international guidelines and formulate legal measures to suite their local legislation. However, merely the legal backing would not be sufficient to help the police system improve their service without proper training and motivation.

Recruitment of more women police in the responsible position and setting up special cells for women victims will play an effective roll to improve the situation. Proper legal and institutional support should be created as a basic requirement while the law enforcers should be specially trained to serve the causes of women against repression, harassment and disparity in the society. The good practices mentioned above may be followed to fight the crime against women and children. It is also necessary to create a positive social attitude in combating the crime and offences against women. Education and media motivation will help change the social attitude promoting a congenial environment for the progress of women folk in the community.

There are various tools and strategies for accountability and oversight of police agencies and personnel. Approaches can and should take the form of internal supervision, policies, proactive monitoring, internal and external complaints procedures, codes of professional conduct, performance reviews, vetting and merit- based selection/promotion, reporting mechanisms, power to investigate allegations of abuse and/or failures, hearings, budget review/approval, enacting laws, visiting/inspecting facilities, subpoena powers, adjudication of cases brought against services and employees, protecting human rights, providing effective remedies, appointing an ombudsman, a police act, setting up a police complaints commission or an office of an inspector-general, public hearings and ensuring proper use of public funds.

Apart from legal measures and institutional arrangements, the community should be educated and motivated to fight the crime against women and girls. The media may be used as an informal educator towards creating social awareness in this regard. Ensuring an independent media that can expose wrongs and a strong civil society that can lobby for change and provide an alternative view will go a long way in achieving the goal of effective police response on violence against women.

Typically the role of the police has involved taking action to prevent violence and, when violence has occurred, determining what has happened, attending to the needs of the victim and taking appropriate action with regard to the offender. When a call for police assistance is placed, or women victim visits the police station, the responding officer should determine what has occurred and whether the complaint is valid. The response must fit with the facts and what the law of the land allows. The officer should administer the emergency medical care. The officer should calm the situation and restrain the offender. He also gives appropriate advice regarding legal issues and victim support services. If an arrest has been made the police have to make sure that relevant evidence is obtained.

In light of the aforesaid discussion, Institute of Hazrat Mohammad (SAW) would like to make the following recommendations to enable the law enforcing agencies and the society to improve its capacity in combating violence against women:

1. Recruitment of more women police in responsible positions. Presence of a female police officer must be ensured in every police station, particularly in search, interrogation of female accused and in investigating allegations of violence against women.
2. Setting up special cells or one stop service centres for women victims, properly manned by police personnel, which shall have 24 hour helpline to respond to distress calls.
3. Mobile Police team specially trained to provide after-occurrence support services. Establish and expand capacity of victim support centers, physiological assistance and legal aid assistance.
4. Compulsory special training to the law enforcers to serve the causes against women repression, harassment and disparity in the society.
5. Proactive monitoring of the police action in violence against women cases, if necessary by creating a post of an ombudsmen.
6. Improving living condition of the law enforcers by increasing salary and allowances, technological and logistic support to enable them to concentrate and perform on their duties diligently. In this regard protection from political pressure is essential.
7. Creating a positive social attitude in combating the crime and offences against women. Massive awareness campaign may be initiated with a combined effort from media, press, entertainment personalities and civil societies.
8. Police officers should be provided training on cultural and social values, ethical and moral values and human rights principles. Importance of establishing justice based on fairness and religious values may be provided based on individual faith.

Prophet Mohammad SAW in a hadith *"I seriously order you to behave well with women. You follow this order of mine"*

Allah (SWT) in several verses of the Holy Quran has thus emphasized the importance of establishing justice:

"O ye who believe! stand out firmly for justice, as witnesses to Allah, even as against yourselves, or your parents, or your kin, and whether it be (against) rich or poor: for Allah can best protect both. Follow not the lusts (of your hearts), lest ye swerve, and if ye distort (justice) or decline to do justice, verily Allah is well- acquainted with all that ye do."

[Holy Quran Sura An Nisa: Verse 135]

"O ye who believe! stand out firmly for Allah, as witnesses to fair dealing, and let not the hatred of others to you make you swerve to wrong and depart from justice. Be just: that is next to piety: and fear Allah. For Allah is well-acquainted with all that ye do."

[Holy Quran Al Maida: Verse 8]

Ameen

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