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WE HAVE NOT FORGOTTEN YOU – UNUSUAL PARTNERSHIPS FOR PRISONERS

HIGHLIGHTS

- Facilitating unusual partnerships which ensure legal assistance for poor and vulnerable prisoners through Paralegal Advisory Service (PAS)
- Supporting stakeholder dialogue to find local solutions to local problems
- Creating momentum and appetite for policy change

PARALEGALS

An eleven-year-old girl was working as a housemaid in Dhaka and ran away from her abusive employers. She was caught and ended up in jail, while her family thought she was dead. Khalilur R. was detained in Bogra prison more than a year after his acquittal as the court order for his release was not sent to the prison. Both and many others were reunited with their families, thanks to the efforts of the *paralegals*.

Two-thirds of Bangladesh's prisoners are awaiting trial – meaning that they are legally innocent unless proven guilty – and many will stay in prison for far longer than the sentence they would have served if they had been convicted of their crime. Most are poor and have no money for a lawyer; often the families do not even know where they are.

In 2008, the Ministry of Home Affairs (MoHA), Bangladesh, and the Prison Directorate initiated the project for the Improvement of the Real Situation of Overcrowding in Prisons in Bangladesh (IRSOP). The project recruited and trained eighteen paralegals, five of them women, who began providing free legal aid to prisoners and their families in three pilot districts with five prisons, while also assisting lawyers, the police, and the courts. Their work was so stunningly successful – more than 10,000 prisoners have already been released – that the MoHA and the Prison Directorate are now expanding the project across the country.

Work in the pilot prisons was supported by the German Federal Ministry for Economic Cooperation and Development (BMZ) through GIZ. In January 2013, the United Kingdom's Department for International Development (DFID) agreed to co-finance the expansion of the project to 280 paralegals working in 40 districts (43 prisons) by 2018 and to initiate measures to divert people away from the criminal justice system and prevent them from re-offending after they leave prison.

UNUSUAL PARTNERSHIP: PRISON DIRECTORATE AND LEGAL AID NGO'S

The paralegals are young: most are under thirty. Some were recruited right out of high school; others have a higher degree; for many this is their first job. They are employed by Legal Aid NGO's but recruited together with representatives of the Prison Directorate. After several months of training on various topics, including basic criminal law and procedures, the paralegals were given access to a number of Bangladesh's most important prisons.

Every day, the paralegals enter district and central prisons (as of April 2016, they are working in 30 districts, and by 2017, they will be in 43 of 68 prisons) in various districts of Bangladesh and are admitted to one of the lock ups, which hold between 400 and 600 prisoners. They remain there for two to three hours, during which they interview 20 to 30 people. The paralegals present the information they have gathered to the District Legal Aid Committee or a panel lawyer from the partner NGOs supporting the project and request appropriate action.

LOCAL SOLUTIONS TO LOCAL PROBLEMS: CASE COORDINATION COMMITTEES

The data prepared by the paralegals is presented by the Prison Director to the Case Coordination Committees on District level. They meet once a month under the joint chairmanship of the District Judge and the Deputy Commissioner (Executive head of district). Representatives of all the relevant stakeholders (judges, magistrates, administration, police, public prosecutors, bar association, Department of Women and Children Affairs, Department



of Social Welfare, Department of Narcotics Control, partner NGOs, and civil society) attend the meeting and attempt to resolve long pending cases expeditiously, and find local solutions to local problems related to the prison population and the case backlog.

The paralegals also hold Paralegal Aid Clinics inside the prisons. The information is conveyed by way of theatre – with prisoners themselves playing the role of lawyers and magistrates – and through songs, a number of which were written by the paralegals themselves. In police stations, paralegals provide support to arrestees, helping them to understand the procedures and their options. They identify cases that can be diverted out of the system and resolved through a restorative justice conference. Outside the courts, they inform prisoners and family members of the court setup and procedures, take steps to ensure that witnesses appear at the right time, and arrange sureties for prisoners who have been granted bail. They follow up individual cases from the prisons and police stations.

CLOSING THE REVOLVING DOOR: SKILLS TRAINING AND REHABILITATION

There are too many prisoners, and they are in prison for too long, often for petty crimes. Even if they are eventually released, they have little chance of rebuilding their lives. The majority were unskilled and poor to begin with, and after leaving prison they are stigmatised by society and cannot find any sort of gainful employment. Many face homelessness, health problems, or drug addiction. The rehabilitation of prisoners and ex-prisoners is a relatively new topic in Bangladesh, but one that got attention by the highest political level as the Prime Minister Sheikh Hasina highlighted in her speech during the opening of the new Dhaka Central Jail in March 2016.

By establishing public-private partnerships and strengthening collaboration between public departments, prisoners are provided with vocational skills for working as electricians, drivers, beauticians, in tailoring and others such as moccasin shoe stitching and sewing machine operation. Paralegals are identifying potential prisoners for such training.

Rehabilitation of prisoners with drug problems is another priority. In collaboration with the Department of Narcotics Control (DNC) and specialized NGO's, prison doctors, prison officers and paralegals are trained on 'Assessment and Care for Drug Dependent Prisoners'. Counselors from NGO's provide counseling to drug dependent prisoners including counselling for their families. Released prisoners are referred to drug treatment institutions.

PENAL REFORM INITIATIVES

In parallel to the activities in the prisons, the project's Advisory Committee has held ongoing policy discussions with government institutions, such as the Ministry of Home Affairs (MoHA), the Ministry of Law, Justice and Parliamentary Affairs (MoLJPA), the Law Commission, the National Legal Aid Services Organization, the Bar Council, the Prison Directorate, etc. Based on experiences on district level, a number of important policy initiatives have resulted. Inter-ministerial meetings were introduced jointly by MoHA and MoLJPA in 2014 in the attempt to find joint solutions to prison overcrowding, case backlog and options for legal reform. The Law Minister heads the meetings with the engagement of MoHA, Police, Prisons, and representatives of the justice and legislative division at the highest level. Reforms under discussion concern the ensuring of early legal representation for example at police stations, improved case management and deadlines for trials and prosecution, introduction of sentencing guidelines, stopping the practice of "safe custody", and others.

Officials from several ministries, the Prison Directorate, and the Bangladesh Police have undertaken a number of visits abroad to observe first-hand how other countries organise their criminal justice systems. Recommendations were developed based on the learnings from the trips and possible reform options regarding the police were formulated, such as granting bail to suspects during the investigation phase, ensuring legal representation in police stations, and diverting drug users for treatment. Possible activities for improved partnerships were highlighted. These recommendations and lessons are shared and discussed in inter-ministerial meetings.

For more information about GIZ's and DFID's support, see <https://www.giz.de/en/worldwide/15042.html> or <https://devtracker.dfid.gov.uk/projects/GB-1-203227>. Contact: Promita Sengupta (promita.sengupta@giz.de)

