



Unraveling the Complexities: Factors Influencing Conviction Rates in Violence against Women (VAW) Cases in Northern Bangladesh

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ABSTRACT: This study aims to examine the complex dynamics involved in adjudicating violence against women (VAW) cases within urban settings in Bangladesh, with a focus on the determinants that affect conviction outcomes. Adopting a qualitative research methodology, this inquiry gathers insights from in-depth interviews with 17 key stakeholders, including judges, lawyers, and police officials, within the metropolitan areas of northern Bangladesh. This primary data is further enriched by field observations (court, police station, medical college, and victim support center). The investigation reveals significant procedural deficiencies and systemic challenges encountered during the pre-trial stages of violence against women (VAW) litigation. These include delays in filing complaints, inaccuracies in First Information Reports (FIRs), lapses in evidence preservation, lack of witness cooperation, and discrepancies in medical documentation. The study identifies overarching issues such as inadequate training for investigative officers, substandard evidence collection practices, and the scarcity of forensic expertise as pivotal factors that negatively influence conviction rates. Furthermore, it emphasizes the crucial yet strained role of public prosecutors, who grapple with excessive caseloads, insufficient resources, and a lack of specialized support. This research contributes novel insights into the complexities of prosecuting violence against women (VAW) cases in Bangladesh's urban centers, highlighting critical inefficiencies within its criminal justice system.

KEYWORDS: Conviction rates, Criminal justice, Public prosecutors, Violence against women, Witness cooperation.

INTRODUCTION

The concept of a conviction rate is crucial in evaluating the efficacy of prosecutors. It is defined in various ways, such as the number of convictions divided by the total number of cases prosecuted. (Ramseyer, 2008), the percentage of defendants found guilty out of the total prosecuted within a specific timeframe (The Crown Prosecution Service, 2016), the percentage of cases resulting in a conviction out of all resolved cases annually (Steele et al., 2020), and the number of cases that lead to a conviction compared to the total instances tried within a year, encompassing both convicted and acquitted cases (Deshmukh, 2021). The low conviction rate for violence against women (VAW) cases in Bangladesh, hovering between 3% and 4% over the years, is a concerning issue that has significantly impacted the social lives of women and children in the country. (*Battered, Deprived of Justice*, 2023).

Despite the high incidence of violence against women (VAW), the delays in the criminal justice process and the apparent impunity enjoyed by offenders severely obstruct law enforcement efforts (Islam, 2020; Risi, 2022). This creates a pervasive sense of injustice, eroding confidence in the criminal justice system among victims, perpetrators, and the broader public. (Holt et al., 2019). The denial of justice for violence against women (VAW) victims not only fails to protect them but also encourages criminals, perpetuating a cycle of violence. (Martins Vasconcelos Senra, 2021; Moitra et al., 2021). The judicial system often falls short in delivering justice for women facing various forms of physical violence and torture, notably in violence against women (VAW) cases. (Borda & Hosen, 2022). Many perpetrators evade punishment, while victims may face further harassment.

The conviction rate for violence against women (VAW) in Bangladesh is distressingly low, with a substantial number of cases dismissed due to inadequate investigations. This study aims to explore the legislative and societal challenges faced in securing justice for violence against women (VAW) victims in Bangladesh's northern region, focusing on several key objectives:

- Evaluating the weaknesses in the police investigation process of violence against women (VAW) incidents.
- Examining the constraints within the prosecution phase of violence against women (VAW) cases in Bangladesh.
- Investigating the practice of out-of-court settlements in violence against women (VAW) cases within the country.
- Identifying the challenges faced by witnesses in violence against women (VAW) cases in Bangladesh.
- Assessing the impact of political influence on the prosecution of violence against women (VAW) cases in Bangladesh.



The findings of this study will serve as a vital resource for police officers, researchers, criminologists, and officials within the criminal justice system of Bangladesh, facilitating informed decision-making to curb this crime. The practical outcomes of this study will enable the police department to develop new strategies to tackle the issue effectively. At the same time, the theoretical implications will pave the way for the replication of this study across different demographics, focusing on violence against women (VAW) and violence against women.

LITERATURE REVIEW

A diverse array of scholars, ranging from legal professionals to social scientists, has investigated the study of conviction rates. Research in this area examines various aspects, such as judicial performance and specific crime types. A systematic review and meta-analysis posit that arrest policies significantly shape conviction rates. It highlights the impact of prosecutorial discretion and police investigation efficiency on these rates. (Lapsey et al., 2022). Luo (2023) Identifies critical factors contributing to low conviction rates in magistrate courts, including issues with early court closure, evidence integrity, and the lack of legal consultation in law enforcement-led prosecutions. The topic of low conviction rates in violence against women (VAW) cases has garnered considerable attention. Such a systematic review of conviction rates in sexual cases is influenced by factors such as the legal framework, case backlog, societal attitudes towards sexual violence, prosecutorial priorities, and the opportunity for case withdrawal during the legal process. (Rockowitz et al., 2024). Despite generally high conviction rates in the U.S., research within the U.S. military, as highlighted by Johnson et al., 2024 LeardMann et al., 2022 Lucas et al., 2023 Tosto & Bonnes, 2022, indicates a notable disparity between reported violence against women (VAW) and convictions. This gap is attributed to systemic factors such as cultural norms, misconceptions, and victim-blaming rather than procedural deficiencies. The presence of rape culture, adversarial sexual beliefs, and hostility towards women perpetuate an environment where military sexual trauma is downplayed and underreported, hindering the successful prosecution of offenders.

Additionally, the military justice system's treatment of victims and the discrepancies in consequences for sexual misconduct contribute to the challenges in achieving justice for survivors. Addressing these cultural and systemic issues is crucial to bridging the gap between reported incidents and convictions in cases of violence against women (VAW) within the U.S. military. Some studies identified a link between low conviction rates and trauma, emphasizing the need for increased public interest and awareness. Trauma can impact conviction rates by challenging legal language's ability to convey the unspeakable violence of traumatic events, potentially affecting the understanding and presentation of evidence in court. (Haselden, 2020).

The low conviction rate in violence against women (VAW) cases in South Asian countries is a complex issue influenced by various factors. Research indicates that the legal system, societal norms, and cultural practices play significant roles in this phenomenon. One key factor contributing to the low conviction rate is the insufficiency and inconsistency of rape laws across South Asian countries. Laws often have gaps, are poorly implemented, and fail to protect women effectively, leading to challenges in prosecuting perpetrators and ensuring justice for survivors. (Brysk, 2017). Additionally, the prevalence of patriarchal attitudes and gender biases within legal systems hinder the prosecution of violence against women (VAW) cases, perpetuating a culture of impunity for perpetrators. (Dang et al., 2017). These include delayed reporting to authorities, destruction of evidence like clothing or bed linen, bathing post-assault, and intoxication hindering memory recall. (Ahmad et al., 2023). Additionally, socio-cultural norms that devalue women's status and perpetuate violence against them contribute to the prevalence of sexual offenses. (Solaiman, 2023). Lack of coordination between law enforcement and survivors also affects the low conviction rates. (Bishwajit et al., 2016).

Bangladesh is noted for its meager conviction rates in criminal cases, with even lower rates in cases of violence against women. (Hasan et al., 2022; Perveen, 2023). Moreover, societal pressures, victim blaming, and stigma surrounding sexual violence victims contribute to the low reporting rates and the withdrawal of cases. Survivors and their families often face coercion, threats, and social ostracism, leading to underreporting and the abandonment of legal proceedings. (Naznin & Sharmin, 2005). Furthermore, the lack of survivor-friendly legal procedures, inadequate victim protection services, and the absence of holistic support systems for survivors exacerbate the challenges in prosecuting violence against women (VAW) cases. (Rahman, 2022). Limited access to safe houses, counseling, and psychosocial care further hinders the path to justice for survivors. Victims often lack awareness of their rights and face unfair treatment within the criminal justice system, restricting their access to justice. (Khan & Halder, 2022). Moreover, the country's law enforcement agencies are implicated in human rights violations, including corruption and a culture of impunity, further impacting the justice system. (Uddin, 2022).



Similarly, the low conviction rate in the criminal justice system, particularly in Pakistan, has led to a denial of justice for many, including women and marginalized groups. (Lal et al., 2023; Rajput & Rajput, 2020). Victims' efforts to charge their husbands have often resulted in false implications, with husbands evading justice through bribery. (Rubab, 2022). As highlighted in the research studies, flawed investigation processes and ineffective prosecution contribute significantly to this issue. The lack of collaboration between the police and prosecution further exacerbates the situation, leading to a meager conviction rate. These systemic weaknesses not only fail victims but also erode trust in the justice system, perpetuating injustices against vulnerable groups. (Aziz et al., 2024; Iqbal et al., 2023). Efforts to address these shortcomings, such as improving investigation quality and enhancing prosecution effectiveness, are crucial to ensure fair and just outcomes for all individuals within the criminal justice system.

The reviewed quantitative and qualitative literature sheds light on the varying conviction rates and the factors influencing these rates across different countries. A notable research gap exists in identifying the specific challenges and obstacles to convicting violence against women (VAW) cases in Bangladesh. This study addresses this gap by examining various crimes from investigation to trial, providing a comprehensive overview.

METHODOLOGY

The study employed a qualitative research methodology to gain in-depth insights into the factors influencing conviction rates in violence against women (VAW) cases in northern Bangladesh from January 2023 to April 2023. By adopting a qualitative research methodology, the study positions itself to explore the nuanced perspectives and experiences of those directly involved in the legal process of violence against women (VAW) cases. This approach is ideal for this study as it aims to uncover the depth and complexity of factors influencing conviction rates, which quantitative data alone may need to reveal fully. The study focused on Rangpur Metropolitan City within northern Bangladesh, which was a strategic choice to capture the experiences and perspectives of stakeholders within a specific regional context. This geographical focus allowed the researchers to develop a deep understanding of the local dynamics and complexities influencing conviction rates.

In-depth Interviews

The researchers conducted in-depth interviews with 17 key stakeholders, including judges, lawyers, and police officials, within the metropolitan areas of northern Bangladesh. The decision to conduct in-depth interviews with key stakeholders is a strategic choice. These stakeholders are at the forefront of handling violence against women (VAW) cases and possess firsthand knowledge and insights that are crucial for understanding the intricacies involved. In-depth interviews allow for collecting ironic, detailed narratives and experiences, offering a comprehensive understanding of the systemic and individual factors affecting conviction rates. This reliable method grants access to the subjective experiences and perceptions of those within the legal system, providing a nuanced understanding that complements statistical data. The validity of this approach is further ensured by selecting participants who are directly involved in the legal proceedings of violence against women (VAW) cases, ensuring that the information gathered is relevant and grounded in real-world practices.

Field Observations

To further enrich the data, the researchers conducted field observations in various relevant locations, such as courts, police stations, medical colleges, and victim support centers. This methodological step is logical because it provides an opportunity to observe and record the dynamics, interactions, and processes in these settings, offering additional layers of understanding. Field observations are a powerful tool for validating the findings from interviews, as they allow researchers to directly witness practices, behaviors, and conditions that may influence conviction rates. This firsthand observation enhances the study's reliability by grounding its findings in observed behaviors and practices rather than solely on reported data.

Snowball Sampling

For the sampling method, the researchers utilized snowball sampling, a technique where existing study participants recruit future participants from among their acquaintances or contacts. The use of snowball sampling for participant selection is particularly suited for this research due to the sensitive and specialized nature of the subject matter. Finding individuals willing and able to discuss the nuances of violence against women (VAW) cases can be challenging. Snowball sampling leverages existing networks within the legal and enforcement community, facilitating access to potential participants who possess valuable insights. This method is reliable and valid for the study as it identifies vital informants who might otherwise be difficult to reach, ensuring a more prosperous and



diverse collection of perspectives. Furthermore, by relying on referrals from within the community, the study minimizes the risk of selection bias, enhancing the validity of the collected data.

FINDINGS AND DISCUSSION

Challenges in Conviction Rate at the Pre-Trial Stage

First Information Report (FIR)

According to PRB rule 243, an FIR is prepared by the officer-in-charge at the police station for any cognizable crime, as specified in section 154 of the Code of Criminal Procedure. The FIR is read to the complainant, who then signs it, marking the case's formal start. Challenges include manipulation to register false cases, often under political or social pressures. An incident on April 29, 2023, at a police station showed how external influence could lead to filing an FIR without proper verification, adding to the criminal justice system's burden. False cases, driven by made-up evidence for harassment or due to political disputes, strain resources and undermine genuine victims' justice. This examination highlights the complex challenges at the pre-trial stage, underlining the need for comprehensive reform in the criminal justice system, particularly in countries like Bangladesh.

Delayed FIR lodging

Aside from false complaints, police face challenges with valid criminal offense cases. Victims often delay going to the police while seeking extralegal solutions, which complicates the investigation. Based on interviews with officers, reasons for delayed complaints include threats from influential offenders, victims' shame in cases of sexual abuse or domestic violence, limited trust in the criminal justice system, and communication difficulties in remote areas. Police stations, overwhelmed with cases, sometimes discourage complainants through stringent scrutiny. Delayed FIR filing makes investigation difficult as time passes, and fresh evidence and witness memories fade.

Challenges persist even after reaching the police station, as FIRs often contain critical flaws identified by both judges and prosecutors. Complainants rely on case writers, who base their work on literacy and experience, similar to how quack doctors operate. This reliance can lead to errors in FIRs, compromising cases. The Bangladesh Police's criminal investigation manual points out that FIR documentation loopholes occur when not completed by the station's most senior officer available. Missing details or procedural steps weaken the case. The '11W' method is critical for a thorough FIR; missing any 'W' complicates proving guilt.

Police can arrest the accused in severe crimes to protect the victim or society, per PRB rule 243 (h). However, challenges to arresting offenders include the accused absconding, delaying justice, and complicating investigations. Officers now use CID support to track mobiles, but bureaucratic hurdles and privacy concerns slow this process. Despite social media being a useful tracking tool, the need for computers and the internet at stations limits its use. Socio-political influences also hinder arresting accused offenders, as high connections often help them evade arrest while remaining active in society. This undermines the justice process, as offenders can pressure victims to withdraw complaints, demoralizing them.

Investigation

An investigation seeks the truth. CrPC 1898's Section 4 (1) defines it as "proceedings for evidence collection by a police officer or a person authorized by a Magistrate." It also names the police station as the investigation unit. Effective investigation is crucial for bringing real perpetrators to trial and providing the court with the necessary evidence for conviction. The challenges of arresting offenders and the impact on offenders at large were discussed previously. This flow chart highlights other key investigation aspects: (1) witness collection, (2) evidence collection, (3) evidence examination and preservation, and (4) analysis of evidence and witnesses to conclude the investigation and prepare the report.

Limited financial and transport resources for investigation

Investigation costs are high due to essentials like travel, witness collection, and evidence processing. Investigation officers (IO) receive a fee of 1,000 to 3,000 BDT, depending on the case, which is insufficient today. For example, transporting a body in a murder case can exceed 3,000 BDT. Long-standing mysteries can vastly exceed budget limits. With limited station transport, IOs often use hired or personal motorcycles, increasing risks during political or terrorist violence.

High workload and demotivating work environment

Sub-inspectors in Bangladesh, who play a crucial role in investigations, face immense pressure and struggle to conduct timely quality investigations. Despite the existence of specialized agencies for certain crimes, the police are the primary force in general crime investigation. Investigating Officers (IOs) have to manage security duties and multiple cases, sometimes over fifteen



simultaneously, with their workload often disrupted by political unrest altering investigative priorities. Poor office and living conditions and heavy workloads stress officers and hamper their focus on complex cases. Inadequate police station facilities and substandard living conditions demoralize sub-inspector-ranked officers, undermining their commitment to thorough investigations.

Loss and spoiling of evidence (Alamot)

The judicial system relies on evidence, often insufficient to conclusively prove guilt. Immediate seizure at the crime scene or hospital is crucial. Delays or errors in this process cast doubt on the evidence. Delayed or improper handling of evidence leads to its loss or contamination due to several factors, including delayed police arrival, public unawareness, journalist interference, IO inefficiency due to lack of training or experience, and animal interference. The delayed arrival of police at crime scenes is a common issue, worsened by a need for more resources, a significant challenge in developing countries. This delay hampers the initial investigation and FIR recording. In remote areas, access issues, such as crossing water bodies, compound the problem, alongside a general shortage of human resources. This shortage, affecting rural and urban areas, burdens police with daily law and order maintenance, making immediate response to criminal complaints challenging.

This delay sometimes leads to losing crucial evidence like blood stains, fingerprints, and footprints. The curious public or animals can also destroy evidence; sometimes, journalists compromise the crime scene's integrity in their reporting. Inefficiency in evidence collection can also stem from a lack of training. Lack of experience and specialized training leaves IOs ill-equipped. Though CID provides evidence collection and preservation kits, shortages and IOs' unpreparedness to use them effectively remain issues. Practical training on these kits is often lacking, especially for those not commonly used in typical cases.

Delayed and flawed medical reports

Nearly all forensic reports are flawed, leading to the main accused often being acquitted. Vague handwriting and complex medical terms confuse judges, complicating verdicts. Police rely on medical colleges for crucial medical certificates and postmortem reports for investigations and court cases. Investigating officers struggle with these medical reports due to a lack of victim awareness and difficulties in collecting evidence, especially in violence against women (VAW) cases where consent, given under the promise of marriage, complicates evidence collection. Victims, particularly women, may face harassment during this process.

The unavailability of forensic evidence often results in non-conviction. Medical reports are inaccessible, and doctors are non-cooperative every day. Doctors are accused of bias, providing false reports for money. Sometimes, evidence is given unofficially with proper authentication, leading to adequate forensic evidence. Thousands of cases are acquitted due to missing medical evidence. Doctors' heavy academic and clinical workload hampers timely report preparation. The law requiring a professor-ranked expert for forensic reports revealed a significant need for qualified forensic experts. In some instances, unqualified personnel conduct autopsies, leading to inaccurate reports. Forensic experts, not recognized by the government, often delay reporting due to personal costs and the lack of practice opportunities outside the lab. They face societal disrespect, leading to declining interest in forensic science. These issues result in faulty reports and a low conviction rate, exacerbated by a lack of victim awareness.

Poor evidence preservation facilities

Every police station has a store room (*malkhana*) for storing evidence. Ideally, this room should have a refrigerator, ample cabinets with identifiable boxes and shelves, a register book, and a dedicated keeper. However, these rooms in Bangladesh are often small, without adequate space or proper interior facilities. Given the limited basic facilities for police, expecting an ideal storeroom in Bangladesh is unrealistic; there frequently needs more space for regular duties. Usually, evidence needs to be preserved better. The remainder is carefully destroyed after being sent for testing, losing crucial evidence.

Uncooperative and biased witnesses

Public engagement in criminal investigations or trials is generally avoided. Neutral witnesses hesitate to share their experiences, viewing police as harmful strangers. Police presence can be seen as a disgrace to the family's reputation. Cooperative witnesses may need to be more reachable for follow-up. Economically disadvantaged witnesses prefer working over participating. Witnesses may also be biased due to fear or self-interest, especially if the offender is influential, leading to witnesses being threatened or bribed to influence their testimonies.

Inadequate witness statements

Recording statements from critical witnesses is crucial for investigators. However, direct witness accounts can be vague, providing partial views or unclear details, making it hard to identify perpetrators or prove guilt. Often, witness statements need more specificity or helpful information for the prosecution or for the courts to establish facts confidently. This issue arises from officers



paying insufficient attention to recording detailed and impactful statements. Due to workload, investigators may rush, not seek enough witnesses, or rely on inadequate note-taking instead of electronic recording, leading to poorly detailed statements.

Reporting

Creating an investigation report requires utmost sincerity and efficiency, as the investigator's findings determine who faces trial. A judge stated that many cases result in acquittal due to flaws in police reports. A well-documented report can quickly resolve cases. For instance, in the Acid Crime case of Subarna, accurate and timely police reports led to the guilty party's sentencing. A solid investigation report relies on objective facts like witness statements, medical and lab reports, expert opinions, the work environment, and the investigator's commitment and analytical skills. Discussing the challenges with objective factors previously, the critical subjective factor remains the investigator's analytical ability. Investigators must deduce guilt from available evidence, a challenging task often given incomplete or contradictory information. The heavy workload, possible reassignment before an investigation's completion, and loss of critical informants can further complicate the process. The lack of motivation among police, due to a stagnant career path and rank imbalances, undermines investigative efforts. The police administrative hierarchy's failure to recognize and reward investigative skills, particularly when considering promotions, exacerbates this issue.

Challenges in the Trial Stage

Public Prosecutors: Challenges and Constraints

In Bangladesh, public prosecutors were appointed under section 492 of the Code of Criminal Procedure, 1898. They represent the government in criminal cases, making them crucial for victims and the state's pursuit of justice. Given the diversity of crimes, their proactive involvement is essential, especially since many victims cannot afford private lawyers due to economic constraints. The public prosecutor's role begins after the investigation as a bridge between the criminal justice system and the courts.

The weak case presentation by public prosecutors (PPs) is frequently a significant cause of non-conviction. Many PPs are criticized for their disorganized or inefficient handling of evidence and witness cross-examination. Common mistakes include mishandling medical evidence—for instance, failing to present clear medical reports in court. These reports are often missing or have ambiguities, such as no victim's signature, lack of detailed injury descriptions, and missing referral documents. These oversights have usually led to the acquittal of the accused. Documents crucial for establishing medical evidence are produced during post-attack treatment but are not given due importance by victims or their caregivers, focusing instead on immediate medical care. Courts have pointed out these shortcomings as reasons for weakening the case.

Furthermore, PPs are perceived as less competent lawyers, which becomes evident during trials, especially when faced with more skilled defense lawyers. This, combined with PPs' failure to adequately prepare victims and witnesses for trial, leads to crucial mistakes in court, such as incorrect information about the incident. PPs are also passive in ensuring witnesses are summoned and present for hearings. Sometimes, the issue stems from the PPs' inadequate preparation, presenting cases without sufficient groundwork, and failing in ineffective witness interrogation and examination. This not only wastes court time but also delays the case proceedings. The key factors contributing to the PPs' weak case presentation are outlined above.

Due to the high number of cases in Bangladesh's courts, the workload significantly strains the courts and public prosecutors (PPs), who handle all criminal cases. The ratio of cases to PP is much higher than that of individual practitioners. For example, at the Additional Chief Judicial Magistrate's court in Rangpur, on May 8, 2023, more than 50 cases were scheduled, with the concerned APP needing to handle 28 cases due to others' absence. This pressure is immense compared to a private practitioner, who typically handles up to five instances daily. PPs often arrive in court to discover which cases they will represent that day, sometimes with little prior knowledge. Despite having teams, the workload usually needs to be manageable, affecting the quality of prosecution.

Additionally, PPs lack sufficient assistance and resources. Even with a team of additional PPs, the workload is heavy as not all actively assist in court. Legal aid lawyers also report that PPs sometimes disengage from cases assigned to legal aid, impacting outcomes. Moreover, PPs face a lack of logistical and financial support, hindering case preparation and the ability to ensure witness presence or prepare evidence adequately. This lack of support affects their trustworthiness and effectiveness, particularly impacting those who need help to afford private legal representation.

Lack of capacity in public prosecutors (PPs) and limited knowledge and skills significantly affect case conviction rates. Judges often criticize PPs and investigation officers for poor investigation and presentation in court, leading to only 25 to 30 percent of crime cases resulting in conviction. Despite the experience requirements for PPs and assistant public prosecutors (APPs) outlined in article 492 of CrPC, practical experience often starts from earning their LLB, not when they begin actual legal practice. The low



remuneration and high workload deter more capable lawyers from pursuing positions as PPs, leaving those roles to lawyers with less success in private practice.

Corruption among PPs contributes to their ineffective role. Some are accused of actively undermining cases to prevent convictions. Corrupt practices include non-cooperation, leaving the courtroom during critical proceedings, and succumbing to pressure from influential figures, which delays hearings and aids defendants. Two main factors drive PPs towards corruption: insufficient pay and political or personal misuse of power.

Limited Remuneration

A prosecutor gets Tk. 500 for handling a case, the same for additional PP, but just Tk. 200 for assistant PP. This is for a day's work. Prosecutors cannot bill for more than one case daily, lack a stable monthly income, and cannot engage in private practice. Some lawyers, often politically connected, vie for PP positions, hoping for higher legal stature or, unfortunately, opportunities for corruption.

Political Commitment and Misuse of Authority

Bangladesh often appoints public prosecutors affiliated with the ruling party. When a new government comes in, it replaces the prosecutors appointed by its predecessor. Critiques from Chief Justice Surendra Kumar Sinha and experts have called for an end to this practice. Public prosecutors are typically short-term, politically aligned appointments, lasting for one case or until the political climate changes. Their loyalty often lies more with their political affiliations than their court duties, affecting neutrality when political connections influence cases.

Witness Challenges

Witnesses are crucial in criminal cases, with judges depending on them for convictions. Three main reasons for acquittals related to witnesses: hostility/bias, inconsistent statements, and the absence of eyewitnesses. Bangladesh categorizes witnesses into four types: victims and their relatives, neutral witnesses, investigation officers, and medical officers. The study highlights these witness-related issues as key factors behind low conviction rates.

The lack of eyewitnesses significantly impacts the trial of various crimes. Often, only the victim sees the perpetrator, with no other witnesses due to offenders carefully picking their time and place, such as in cases of acid violence, sexual violence, murder, etc. Judges, therefore, cannot rely on weak or indecisive witnesses in serious crimes that carry severe penalties like life imprisonment or the death sentence. For instance, in the state versus Kazol Gazi case in Rangpur district court, the victim and her elder sister could not identify the assailant. The judge noted the prosecution's failure to provide sufficient evidence, leading to Kazol Gazi's acquittal.

Witness absence or denial is common in criminal cases, with both relatives and neutral witnesses often unwilling to testify, fearing repercussions or due to socioeconomic reasons. Poor socioeconomic conditions prevent witnesses from affording travel or taking time off work. Fear of antagonizing powerful offenders also plays a part, as does direct intimidation by the offender, including threats of violence. This undermines the criminal justice system and erodes community trust in it. Moreover, some accusers aim not for conviction but to harass the accused, imposing social and economic hardship. Once this goal is achieved, they lose interest in the case, often not bothering to bring witnesses to court, weakening the case's chances of a conviction.

Absence of Investigation Officer During Testimony

The investigation officer (IO) plays a critical role in building a case by exploring and linking evidence, making it essential in the criminal justice system. However, IOs often get transferred or assigned elsewhere, like to the Rapid Action Battalion (RAB) or UN peacekeeping missions, making their courtroom testimony rare. This absence becomes problematic, especially without neutral witnesses, challenging judges to convict based on limited evidence. As a result, many cases are dismissed, letting offenders go free due to the lack of IO testimony. Often, IOs do not appear in court even when summoned, citing busy schedules or denying receipt of the summons, prioritizing other duties over court appearances.

Absence of Medical Officer During Testimony

Similarly, medical and forensic officers who prepare essential evidentiary documents like medical and postmortem reports are crucial yet often absent witnesses. Their testimony is vital to verify these reports against false claims. However, court summons usually must be answered due to their busy schedules or study commitments abroad. This leads to repeated hearing postponements until the court is forced to proceed without their testimony. Such delays and the absence of concrete medical evidence weaken the prosecution, making the accused acquitted due to insufficient evidence. A Chief Judicial Magistrate Court (CJMC) judge mentioned



a case where the medical report did not align with the victim's claim but could not be resolved due to the absence of a medical officer.

Doctors from higher institutions like Rangpur Medical College Hospital (RMCH) often miss court appearances, whereas local health center doctors are more cooperative. However, victims initially seeking help from local centers rarely collect their medical reports due to urgency and stress and later struggle to present these initial reports in court. Depressed with duties, Doctors from more reputable hospitals find it hard to spare time for court appearances.

Easy buying of counter-witnesses

When no eyewitnesses are available, defendants can quickly obtain counter witnesses using social influence or money. For instance, if Mr. X is accused of a crime but no eyewitness was found, he could arrange for someone to testify that he was elsewhere at the time of the crime. Such fabricated witnesses complicate the prosecution's efforts to prove guilt beyond a reasonable doubt.

Denial of technology in testimony

Despite technological advances, Bangladesh's court system relies on traditional witness testimony methods. Video conferencing could simplify the process for medical officers, investigators, or witnesses. Although not legally prohibited, it is rarely used due to a preference for tradition and socioeconomic barriers, including the need for reliable internet and multimedia equipment. However, widespread use requires significant investment in infrastructure, which can be costly.

Court-related causes of low conviction rate

Case Backlog

The number of courts in Bangladesh has not kept pace with population growth and increased police stations, leading to more disputes and cases. With only 1600 judges, including 300 district and additional district judges for criminal cases, the backlog is significant. Each district judge handles around 2600 criminal cases. High-profile cases also take precedence due to media pressure, delaying others. The backlog results in delayed trials, during which witnesses may die, forget details, or lose interest, embodying the phrase 'Justice delayed is justice denied.' This delay can also compromise key evidence needed for conviction.

The intervention of the higher court

In Bangladesh, even though some offenses are non-bailable, the high court often grants bail and stay orders in these cases, going against legal provisions. Recently, the high court has granted notorious offenders bail in over 77% of cases. This frequent bail undermines district-level courts' authority and shows their jurisdictional limitations due to high-court interventions. Often, bail petitions are approved without clear reasons, leaving the local community, including victims and their families, to discover that the accused has been released. The delay between bail orders and the slim window for appealing to the Appellate Division allows offenders to influence witnesses and victims, weakening cases and demoralizing those seeking justice at the village level, leading them to believe justice can be bought.

Lack of coordination among stakeholders

In criminal proceedings, stakeholders like police, prosecutors, medical officers, witnesses, and victims often show a lack of coordination due to systematic issues, lack of accountability, and commitment. The prosecution, functioning under different ministries than the police, highlights the challenge of united efforts towards a common goal. Public prosecutors (PP) not being paid by victims or plaintiffs results in a less appreciative client-advocate relationship compared to cases with private practitioners. Coordination between police and PP is also weak; PPs rely on the police to execute court orders, but the police, overwhelmed with regular duties, do not directly report to PPs. Peshkars, crucial for coordination, often need to timely inform the police and prosecution, such as notifying court police about witness requirements only the night before a hearing, making witness appearance challenging. Victims' reluctance to cooperate with the trial, fearing retaliation or opting for out-of-court settlements, and similar coordination issues between prosecution and medical officers hinder the process. Medical officers are sometimes summoned without clear instructions or provisions for safety and accommodation, contributing to trial delays due to their absence or late arrival.

CONCLUSION

The low conviction rate for violence against women (VAW) cases in Bangladesh has long been a serious concern, driven by social stigma, lack of evidence, delayed trials, police inefficiency, and flaws in the justice system. Social stigma makes it hard for victims to report crimes, facing skepticism from law enforcement and the public, affecting trial outcomes. A crucial issue is the lack of concrete evidence; gathering DNA and scientific proof is challenging with limited forensic resources. The justice system's backlog



delays trials, leading to evidence loss, witness tampering, and victim intimidation, complicating convictions. Police often fail to investigate violence against women (VAW) cases properly due to inefficiency and corruption, sometimes pressuring victims to drop cases. The justice system's requirements, like needing two witnesses to support the victim's testimony, are demanded to be met in violence against women (VAW) cases. Furthermore, powerful perpetrators can often evade justice through their influence or connections. Addressing Bangladesh's low violence against women (VAW) case conviction rate requires systemic changes: better funding for forensic labs, training for law enforcement and judiciary on handling violence against women (VAW) cases, legal reforms to support victims, and public awareness campaigns to change societal attitudes towards violence against women (VAW) and its victims.

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