



Journal of Social and Political Sciences

Hasan, M. A., Akond, M. A., & Mohiuddin, A. (2024). Issues and Challenges in Investigating Rape Cases in Bangladesh: Insights from Field-Level Police Officers' Experiences. *Journal of Social and Political Sciences*, 7(1), 13-23.

ISSN 2615-3718

DOI: 10.31014/aior.1991.07.01.462

The online version of this article can be found at:

<https://www.asianinstituteofresearch.org/>

Published by:
The Asian Institute of Research

The *Journal of Social and Political Sciences* is an Open Access publication. It may be read, copied, and distributed free of charge according to the conditions of the Creative Commons Attribution 4.0 International license.

The Asian Institute of Research *Social and Political Sciences* is a peer-reviewed International Journal. The journal covers scholarly articles in the fields of Social and Political Sciences, which include, but are not limited to, Anthropology, Government Studies, Political Sciences, Sociology, International Relations, Public Administration, History, Philosophy, Arts, Education, Linguistics, and Cultural Studies. As the journal is Open Access, it ensures high visibility and the increase of citations for all research articles published. The *Journal of Social and Political Sciences* aims to facilitate scholarly work on recent theoretical and practical aspects of Social and Political Sciences.



ASIAN INSTITUTE OF RESEARCH
Connecting Scholars Worldwide

Issues and Challenges in Investigating Rape Cases in Bangladesh: Insights from Field-Level Police Officers' Experiences

Md. Akramul Hasan¹, Md. Aurongajeb Akond², Anira Mohiuddin³

¹ MS Student, Department of Criminology and Police Science, Mawlana Bhashani Science and Technology University, Santosh, Tangail-1902, Bangladesh. Email: akramul.mbstu@gmail.com

² Assistant Professor, Department of Criminology and Police Science, Mawlana Bhashani Science and Technology University, Santosh, Tangail-1902, Bangladesh

³ Research Associate, Police Staff College Bangladesh, Mirpur-14, Dhaka-1206, Bangladesh. Email: proma.anira@gmail.com

Correspondence: Md. Aurongajeb Akond. Tel: +8801716-342383 E-mail: aurongajeb@yahoo.com

Abstract

Sexual assault and rape are pervasive across all nations and cultures. This gender-based crime is considered one of the most heinous crimes in Bangladesh. A first information report (FIR) and subsequent investigation by police officers are the first steps in the criminal justice response to rape. Unfortunately, it is frequently difficult for law enforcement officials to conduct an investigation and guarantee justice for the victims. Delays and improper investigations dampen the enthusiasm of rape victims seeking justice. This paper explores the issues and challenges the police officers confront when investigating rape cases. A qualitative research approach has been applied to this study, where a total of 15 police officers participated in in-depth interviews. This paper reveals that problems with existing legal instruments, crime scene management, and evidence collection processes are apparent in rape case investigations. Furthermore, challenges pertaining to medical and forensic examinations, insufficient logistical support, an excessive number of responsibilities, and various internal and external pressures have a detrimental impact on the efficacy of police investigations. Victim and witness non-cooperation, delays in filing cases, practices of filing false rape cases, informal mediation, and out-of-court settlements all reduce the success rate of police investigations and result in low conviction rates.

Keywords: Rape, Sexual Assault, Investigations, Victims, Medicolegal Evidence, Challenges, Police, Justice

1. Introduction

1.1 Background of the Study

Violence against women and girls is a global health and human rights issue, defined by the UN Declaration on the Elimination of Violence Against Women as “*physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life*” (United Nations, 1993). Worldwide, 30% of women have experienced rape or attempted rape in their lifetime;

among them, less than 10% have seen the light in legal settings (World Health Organization, 2023; United Women, 2023).

Rape is also a prevalent human rights abuse in Bangladesh, often facilitated by sexual pillage, despite a robust societal and judicial framework (The Daily Star, 2020). Between January and December 2020, 1627 women were raped, 53 killed, 326 attempted, and 14 committed suicide (Odhikar, 2021). The review of rape and violence against women in Bangladesh between 2015 and 2019 portrays that in 2015, gang rapes against women and children were high, with a total of 272 incidents. In 2016, 206 were reported, and in 2017, 25 were reported. In 2019, 892 incidents were committed, with 192 rape attempts and 41 deaths due to injuries. In 2019, religious and ethnic minorities suffered 250 incidents of violence, including rape and murder. The number of reported rape incidents increased from 635 in 2018 to 1080 in 2019 (Siddiqua, Nahar and Akond, 2021).

In Bangladesh, rape is prevalent due to societal stigma, fear of retaliation, and patriarchal culture. Victims often keep quiet due to harassment, public admission embarrassment, and insensitive police stations (BNWLA, 2014). Additionally, patriarchal legacies and attitudes towards women in police cases make it difficult for survivors to report rape cases. Police harassed victims, and police interrogation focused on initiating the attack through revealing clothing, strangers, rides, or bar visits. Male police officers often interrogate rape victims, causing embarrassment and traumatization. They fail to provide timely medical checks, resulting in a negative attitude toward victims.

Additionally, police often assume rape claims as fraudulent, leading to a negative perception of women's virtue (Kabir et al., 2017; Burgess & Hazelwood, 2001). Furthermore, sexual abuse victims often face secondary victimization in the criminal justice system, families, hospitals, and courts, leading to gender inequality and difficulty accessing justice. These fears of re-victimization and embarrassment also deter them from interacting with the criminal justice system (Yesmen, 2019; Banarjee, 2020; Kaithwas & Pandey, 2018).

Investigation delays hinder justice seekers and trial timelines, undermining procedural fairness (Haque, 2007). Internal and external issues, such as organizational culture, police officer dedication, political support, and institutional capacity, impede the successful application of evidence-based investigations (Kashem, 2020). Additionally, the lengthy process of bringing the guilty also obstructs their complaint. (Moslem, 2004). It is evident that physical evidence increases the chances of acquittal and conviction in Bangladesh, but forensic awareness is limited. Fingerprints and DNA are rarely used in police investigations. Only 14.2% of reported rape cases are examined within 24 hours, with the rest taking over seven days (Kashem, 2017). The low conviction rate in rape cases can be attributed to the inability of the police to create a proper investigation report, which can dilute the case or delay its hearing, as noted by Mia (2012). Moreover, it is also found that improper police investigation leads to a lack of convictions, as officers fail to prepare legally strong FIRs, case dockets, and reports and provide witnesses, diluting claims or delaying hearings (Nazrul, 2008).

1.2 Research Question and Objectives of the Study

The following research question is being articulated in the current study: What are the significant issues and challenges to police investigative practices in rape cases? The main objective of the study is to explore the issues and challenges of investigating rape cases by Police Officers. The specific objectives are as follows i) To evaluate the existing legal instruments for investigating rape cases, ii) To examine the existing problems of police investigative practices in rape cases, iii) To identify challenges in collecting and analyzing medico-legal evidence, and iv) To identify significant issues and challenges to improve police investigative practices of rape cases.

This study aims to assess those challenges and obstacles in investigating rape cases, evaluate existing legal instruments and medicolegal evidence, and identify issues in police investigative practices. Additionally, it aims to inform policymakers, criminologists, and criminal justice officials about the actual scenario of investigating rape cases, enabling effective criminal justice responses.

2. Method

This study explored the major issues and challenges faced by the Investigation Officer (IO) of Bangladesh Police in investigating rape cases. A qualitative and descriptive research design that allows the researcher to collect data through face-to-face conversations with the respondents was appropriate for this research. This study collected primary data from Investigation Officers (IOs) of Bangladesh Police who were responsible for investigating rape cases in the Tangail District of Bangladesh. The informants of this study were selected from the sub-inspectors and inspectors of the district police who were experienced and investigated at least five cases in their service tenure. This study interviewed 15 respondents, including 12 sub-inspectors and three inspectors, using an In-depth Interview (IDI) method to collect data on issues and challenges in investigating rape cases at two police stations of District Police, Tangail, Bangladesh. After systematic coding and processing of qualitative data, the thematic analysis method was used to represent the results. This study also considered the academic ethical standards and guidelines for assuring the anonymity and confidentiality of the participants.

3. Results and Discussion

The findings have been analyzed thematically based on the information collected from in-depth interviews with the police officers.

3.1 Socio-demographic Characteristics of the Police Officers

The in-depth interview with police officers revealed that most respondents, aged 41-45, were male, Muslim, and held a bachelor's or master's degree, ranging from 33-52 years. The study found that most respondents, including sub-inspectors and inspectors, served in the police force for 21-30 years, with most starting as constables and currently working as sub-inspectors. The study also reveals that most respondents' tenure in their current workplace is 1 to 3 years.

3.2 Gaps in existing legal instruments and rape case investigation by police

The Constitution of Bangladesh, the Code of Criminal Procedure 1898, relevant special laws, the Evidence Act 1872, the Torture and Custodial Death (Prevention) Act 2013, Criminal Rule and Orders 2009, Police Regulations of Bengal (PRB) 1943, the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment 1984, and judicial precedents must all be followed by investigating officers, (Bari, 2015). The study indicates that most investigating officers (IO) are familiar with statutory laws and provisions for investigating rape cases, following sections 375 of the Penal Code 1860, The Women and Child Repression Act 2000, and High Court Guidelines. Although most IOs have argued that the legal instruments are up to date, there are implementation challenges. An inspector stated the main legal instruments for rape case investigation as follows-

“In Rape cases, we follow section 375 of the Penal Code and The Women and Child Repression Act 2000. We also try to follow the High Court Guidelines for investigating rape cases.”

At the same time, some IOs have identified issues with existing legal instruments that need to be modified or updated to cope with the future pattern of sexual violence. The foremost concern is that the Penal Code lacks specific definitions for rape, consent, and proof of physical resistance. Aside from that, there is a concern with the victim's age. In the penal code, the wife's age is stated as more than 13, contrary to others' age of 18. An officer stated,

“Recent years have seen a rise in rape cases involving consensual relationships between the plaintiff and defendant, particularly when the victim is under 18 and consents to sexual intercourse, making it challenging to prove consensually”.

Recently, based on the present rape trend, Bangladesh has passed new legislation allowing the death penalty to rape offenders. The IOs of rape cases believe it is not a valid solution to sexual violence or rape. As a result of the new law, Human Rights Watch (2021) warns that reporting rape can discourage victims and even encourage rapists to murder to avoid prosecution. Moreover, another legal challenge is that current laws protect women and children

but not severe sexual assault against boys. Sexual assault against males is charged as an “unnatural offense.” Current legislation does not address marital rape or transgender crimes. Additionally, rape with a child bride aged 13 or older violates the Child Marriage Restraint Act 2017 (BLAST, 2018).

3.3 Existing problems in the practice of investigating Rape cases by police

The IOs stated that investigating rape cases in the Bangladeshi scenario made it more challenging. From the start of the investigation process to the end, they experienced different types of challenges. This section analyses the challenges IOs face during an investigation of rape cases as follows:

3.3.1 Problems in crime scene management

Crime scene management is crucial in investigations, as it provides a detailed picture of events through witness testimony, crime scene photographs, physical exhibits, and scene analysis (Gehl & Plecas, 2017). A rape case involves two crime scenes: the crime location and the physical person of the rape victim. The crime scene search aims to determine the crime, document it, gather evidence, establish a relationship between the victim and suspect, identify witnesses, and apprehend the perpetrator (Jetmore, 2006). The study indicates that most investigating officers believe rape incidents are often reported delayed, and the crime scene can be restored if the complaint is filed promptly. Time-consuming and contaminated crime scenes make it challenging for investigators to collect evidence, especially in cases of forcible rape, as victims often arrive after an extended period, making the search difficult or impossible. An officer noted that,

“We can consider the victim’s body a crime scene in rape cases because the traces of forceful intercourse can be found in the victim’s body.”

On top of that, police can only record crime scenes and gather physical evidence or trace evidence if the rape occurred in a solitary place, despite curious onlookers often destroying or sabotaging the scene. A study suggests that most rapes occur inside. In that case, IOs require photographs and videotaped evidence of a struggle, such as damaged furniture or disarray of belongings (Ali et al., 2015). Furthermore, an inspector addressed the lack of a skilled workforce to re-create a crime scene.

3.3.2 Problems in the evidence collection process

The study highlights the importance of thorough investigation and proper collection of physical evidence in criminal investigations, stating by most IOs that most cases are unsuccessful due to the time lapse between the incidents and filing a complaint. Moreover, rape testimony is destroyed by showering, bathing, peeing, and time. IOs stated that they confiscated physical evidence like the victim’s clothes, bed, blanket, and video CD or memory card of the incident in rape cases. In addition, proper evidence collection, including clothing undergarments, hair and fibers, and semen, is crucial (Basu, 2012; Jetmore, 2006). However, the medical report, filed alongside charge sheets, is the most critical evidence that state investigators and the court rely on. One police officer noted,

“Physical evidence in rape cases is challenging to collect due to the victim’s failure to maintain it intact, potential spoilage or wash, and the victim’s late arrival at the police station, making it difficult for the police to seize the evidence.”

The study also finds that collecting physical evidence is challenging in rape cases as perpetrators promise to marry, with victims reporting allegations delayed and some cases involving mediation (*Shalish*) by village elders or *panchayet*. One IO cited that,

*“In rape cases, collecting physical evidence becomes more difficult, where the victim had a sexual connection based on a deceptive promise of marriage. Because, in such cases, the victim arrives at the police station after several days have elapsed. They usually arrive after failing to mediate in a mediation (*shalish*).”*

3.3.3 Problems in the Medical Examination Process

The study suggests that a medical examination is typically conducted after filing an FIR at the police station, but late arrivals increase the risk of damage or loss of evidence. *Salish* is one of the reasons behind the delayed lawsuit. A study found that 14.2 percent of alleged rape instances were reported for medical examination within 24 hours (Ali et al., 2015). In most rape cases, medical examinations are performed at the district level (Basu, 2012). In some circumstances, the distance between the police station and the government hospital facility causes delays in the medical examination process in rape cases. One officer cited that,

“Mostly, the medical examination of the rape victim takes place in the district government hospital in rape cases. As a result, when the hospital is far away from the police station or the victim’s residence, the medical examination is also delayed.”

Another issue of concern is the presence of male doctors in the medical investigation of rape in the hospital. A study reveals that male medical officials conduct most tests despite female attendants present during medical examinations, indicating a lack of representation for female medical officers (Basu, 2012). Similar reluctance experienced by one female officer, and she noted that,

“The victim appears to have changed her mind and is reluctant to undergo medical testing. After speaking with the doctor, I learned this happened in most cases. This might be due to fear, shyness, or the two-finger test. This occurs more commonly in the case of male doctors.”

Medical examinations show no evidence of forcible intercourse, with cases involving marriage promises and others where the victim absconded with the defendant(s). A study found that 43.31 percent of rape cases involved illegal consenting sexual intercourse, with court-presumed consent under section 144A of the Evidence Act 1872 (Sarker et al., 2015). As one officer put it,

“Medical examinations are difficult in cases of rape allegations connected to a false promise of marriage. This type of issue takes longer to reach the police. The medical examination revealed no evidence of recent sexual intercourse or forceful intercourse.”

3.3.4 Recalcitrant from the victim and witness

It is derived from the IO interview that the majority of police officers say that they did not receive adequate assistance from the victim in many cases. Witnesses, in certain circumstances, are reluctant to testify in court and submit statements (*Muchleka*). Victims of rape often resist cooperation with IOs due to potential monetary recompense and false promises of marriage, potentially leading to a fraudulent marriage. One officer noted that,

“In many cases, the rape victim mediates with the perpetrator and begins to refuse to cooperate with the IO. They generally mediate through Village meetings (Shalish).”

The victim’s choice of out-of-court settlements and societal pressure is a procrastination in the justice system, according to the IOs. A study reveals that in rape cases, complainants are often pressured to withdraw and settle the issue outside court. This is usually done when the perpetrator has more power, leading community leaders and local government officials to act in favor of the perpetrator through informal mediation and pressuring the complainants to withdraw their complaints (BLAST, 2018).

Officers also stated that witnesses in women’s rape cases face threats or intimidation for not testifying, and their willingness to testify is influenced by procrastination and repetitive scheduling, leading to forgetting and uncooperative behavior. IOs believe that the high fallout rate of police investigation reports in Bangladesh is primarily due to the non-cooperation of victims and witnesses, who are often vulnerable and fear retaliation, preventing their assistance in crime investigations.

3.3.5 Inadequate Women Police Officer in Police Stations

According to this study, in rape cases, some police officers (9 out of 15) believe that appointing a female police officer as the IO is necessary for effective investigation. All the officers agreed that women officers must conduct

an efficient interview with the female victim to question the victim and record a statement. The victim can deliberately express her experience of suffering without fear or embarrassment to the female officer. However, they pointed out that the number of women officers with the rank of SI is insufficient to assign women as IO in all cases of rape. In truth, many police stations do not have women officers at the SI level. In that situation, the victim faces unease while lodging a police report (Alam, 2017). One IO from SI rank said that,

“The number of women SI available for deployment as IO in rape cases is insufficient. In some police stations, there are no female SI officers at all. In our police station, for example, there are no female police officers of SI rank. An ASI female officer performs her duties in the women and child help desk.”

Exceptionally, some officers (6 out of 15) thought that assigning a female officer to investigate rape cases is not essential; it is sufficient to have a female police present throughout interrogation and statement-taking.

3.4 Key Challenges in the collection and analysis of Medicolegal evidence

3.4.1 Challenges in the Collection of Medicolegal Evidence

According to this study, some officers claim that collecting medicolegal evidence is the medical officer's job, and there are no challenges in managing medicolegal evidence. On the contrary, some officers claimed that gathering medicolegal evidence becomes problematic when the victim resists the medical examination. For instance, one officer noted that,

“Some victims are reluctant to undergo medical examinations. Collecting medicolegal evidence and conducting forensic analysis becomes difficult in this situation.”

The entire physical examination is the responsibility of the forensic department, and primarily, male doctors from the forensic unit examine the victim with the assistance of a female nurse. The appearance of a male doctor as an examiner is a source of trauma for the victim, particularly in a country like Bangladesh, where social norms and religious values are significant. Delays in rape reports and hospital appearances can make it challenging to collect medicolegal evidence. One officer noted that,

“It becomes difficult to obtain uncontaminated medicolegal evidence if the victim arrives late at the police station and her medical examination is likewise delayed. Because when a doctor examines a victim, they collect medicolegal evidence.”

The transportation of medicolegal evidence, particularly DNA analysis in rape cases, is challenging for police officers, who must travel alone and face significant risks. Most participants reported that they had to transport the evidence to a forensic laboratory at their own cost and were given allowances later on. From the words of one police officer,

“We must convey medicolegal evidence to the forensic laboratory using public transportation at our own expense. It is dangerous since medical evidence is crucial in proving or disproving a case. However, we receive some allowances, although they are insufficient.”

So, it can be concluded that delays in medical examinations, victim's unwillingness to undergo evaluation, and logistical support issues impede the collection and analysis of medicolegal evidence in rape cases.

3.4.2 Challenges in Forensic examination of Medicolegal evidence

Medio-legal evidence is undoubtedly one of the decisive weapons to prove rape cases. In this study, all the officers in rape cases file investigative reports based on medical and forensic examination results, ensuring they do not contradict expert opinions based on medicolegal evidence. An officer of Inspector rank claims that,

“We must produce an investigative report in line with the medical examination reports. We do not produce an investigative report contradicting an expert opinion based on medicolegal evidence.”

The study also found that Bangladesh has a shortage of forensic laboratories, causing delays in forensic examination reports. However, less than half (6 officers) received other forensic reports promptly, except for DNA analysis, which took longer. One officer noted this issue-

“Only three laboratories in Bangladesh can conduct forensic examinations. The CID and the other two labs are under much pressure, so getting the forensic examination report is delayed.”

The police officer agreed that using fingerprint and DNA technology improves the chances of identifying and prosecuting criminals. Nevertheless, forensic awareness and knowledge of many criminal forensic advances is low in Bangladesh. IO's stated that fingerprints and DNA evidence are rarely collected and utilized except in highly publicized cases. These findings are supported by Kashem's (2017) study on rape case investigation.

Additionally, IOs face challenges if a victim is sexually active before the rape. A woman can even carry the DNA of her sexual partners, which can be contaminated with perpetrators' DNA or sperm. Some other medical conditions, such as erectile dysfunction, impotence, premature ejaculation before penetration, and ejaculation incompetence, can all also impact the outcome of medicolegal evidence in rape cases. It is seen that in only 5.5% of rape cases, spermatozoa were found positive (Ali et al., 2015).

3.5 Key infrastructural challenges in investigative practices by Police

3.5.1 pressure of duty

A study shows that about 61.66 percent of police officers work more than 15 hours (even up to 20 hours) each day, while 23.34 percent work between 12 and 15 hours, and a minor percentage work fewer than 12 hours per day. Thus, approximately 84 percent of police officers work more than 12 hours daily (Rahman & Hossain, 2017). In this study, identical outcomes were observed and agreed by 11 out of 15 officers. A police officer has to perform duties including crime prevention and patrolling, public order management, warrant execution and criminal arrest, search and seizure, VIP/VVIP security duty, verification role, community policing activities, bit policing activities, escort duties (money, personnel, documents, etc.), and public awareness activities, as well as investigation of cases. In addition, they have to work more than 12 hours every day. Since there is no weekly holiday, all officers must work under pressure nearly seven days a week. A police officer describes duty pressures and duty hours as a barrier to efficiently performing investigative work as

“Most likely, police officers are the only government employees with no weekly holidays. We are required to perform 12-hour patrolling duty regularly. In general, police officers work in two shifts, day and night, each lasting 12 hours. There are also other duties. So, how can one properly concentrate on an investigative job under such a load of duties?”

Furthermore, the majority of police officers believed that they lacked mental rest due to the excessive pressure of various duties other than investigation. Moreover, because investigative work requires more spontaneous time and focus, the pressure of duties makes it challenging to conduct a thorough examination. However, several officers reported that the duty pressure in a busy police station is higher than the upazilla level in a remote place. One Inspector noted that,

“We try to adjust duty schedules, considering the investigative work of officers, because the number of officers is comparatively fewer than the pressure of policing activity. However, in a busy police station, this is not always possible.”

Therefore, it can be concluded that without investigative work, police officers are required to perform vast duties, and duty pressure is widespread. These huge workloads make it difficult to improve investigative function and investigation of rape cases.

3.5.2 Frequent transfer

As a government employee, a police officer transfers a routine system. According to this study, some officers (9 out of 15 officers) consider frequent workplace change challenging to investigate cases effectively. The new IO on a case faces hurdles in continuing investigation. Moreover, police officers are required to testify in court as

IOs, and most officers believe that transferring to another police unit poses a significant challenge for them. Few think that transferring poses no challenges in the investigative functions of policing. For instance, one officer cited that,

“We must hand over the docket of cases to the Officer-In-Charge (OC) of the police station in the case of a transfer. The OC then assigns a new Investigation Officer (IO) to conduct the case investigation—the new IO attempts to enter the case and undertake an investigation, which can be difficult sometimes. Furthermore, when an officer is transferred to another district or range, he must appear in court as a witness. This is also an issue.”

3.5.3 Lack of logistics support

The analysis shows that a shortage of logistical support plagues the police. The majority of police officers expressed their dissatisfaction with the absence of adequate logistical support for the collection and preservation of physical evidence. Similarly, a study has identified the lack of support services for collecting and preserving forensic evidence as the fundamental cause for the limited utilization of physical evidence in cases (Kashem, 2017). One officer expressed the current situation as follows:

“We have a shortage of kits and other necessary equipment for collecting and preserving physical evidence. No lockers or cabinets are provided by the government in the police station. Every police station has a Storeroom (Malkhana) where evidence is stored. Generally, we have to keep documents under our responsibility. Every officer has cabinets that they purchased at their own expense.”

Police officers also added that the police station’s seating arrangements for sub-inspectors are poor, with no government-sponsored chair tables. Officers often have to seat multiple officers in a single room, making investigations difficult. Financial support for investigative work is also insufficient. In many cases, the IO has to bear the medical expenses of the poor victim and the costs of managing an unclaimed corpse. Moreover, inadequate transportation makes it difficult for officers to conduct investigations and other policing tasks. Police officers consider these problems problematic for healthily performing policing and investigative work. Other work also supports these findings, as the police station lacks an operating budget, limiting financial support for investigative functions. Transportation also hinders IO’s timely arrival at crime scenes, resulting in inadequate investigation reports (Kashem, 2017). One officer noted that,

“We often have to pay for the victim’s medical examination. Moreover, we must move the victim to the hospital or court at our own cost. Even most officers use their motorcycles for investigation and other policing duties.”

3.5.4 Inadequate training facilities

The IO plays a significant role in investigating the proceedings, taking witness statements, collecting evidence, and submitting an investigative report (Uddin et al., 2017). In most situations, the Inspector and Sub-Inspector officers who work in the police station undertake the investigation responsibilities. However, the required training facilities for officers serving as IOs in the field are insufficient. According to the findings of this study, no particular training for investigating rape cases is included in basic training. They are given basic training in criminal investigation at the Bangladesh Police Academy. They are also offered many short-term training courses in the in-service training centers. One officer pointed out the training shortcomings as,

“We must undergo many in-service training sessions, although they usually last three to seven days. That is not sufficient. I believe we lack specialized training on forensics and investigation.”

As a consequence, field-level police officers have insufficient knowledge of investigative tactics. Police officers who serve in specialized police units receive specialized training and possess specialized skills. Although there are courses available at CID, including Preventing Repression of Women and Children, Special Training Course on Human Rights, Prosecution and Investigation Courses, Post-Blast Investigation Course, Training Course on Technology-Based Investigation, Special Investigation Training Course, and so on (BD Police, 2021). Another officer highlighted the gap as,

“We do not have access to specialized training. Specific police units, such as DB and CID, get specialized training on investigation. The range of specialized training available to police officers working in thanas is limited.”

It can be summarized that IOs in the police station need more training facilities related to the investigation to perform efficiently.

3.5.5 External pressure

Many factors affect the performance and decision-making of an officer; they can be internal or external, social or environmental (Cojean et al., 2020; White, 2003). This study has also attempted to determine external pressure's impact on investigating rape cases. In this study, it is learned that most officers stated they were not under any external pressure when investigating rape cases. As rape is a sensitive issue, officers did not consider lobbying (*Todbir*). However, some officers argue that they have been affected by political interference or the influence of a powerful elite when the assailants belong to a powerful group. In investigating other offenses, this powerful political influence is even more apparent. One officer cited that,

“In rape cases, external lobbying is less than in other instances. When the offender is powerful, powerful elites usually try to influence us. In fact, they threaten to harm or transfer us from our existing police station.”

The officer viewed this external influence or threat as an investigative hurdle that hindered police officers' ability to investigate rape cases effectively. A few officers have also stated that they have been subjected to media pressure. In many circumstances, the media publishes details about a case before examining the incident's authenticity. According to the officers, the media publishes every update about a case, making it difficult for police to apprehend the perpetrators. One officer cited that,

“In highly publicized cases, we are forced to submit charge sheets due to media pressure, even if the cases have not been thoroughly investigated. This is a challenging issue.”

It can be inferred that external pressures such as political interference, the influence of the elite, and the influence of the media pose significant challenges to police officers conducting proper rape case investigations.

3.5.6 Departmental pressure

This study found that few officers (4 officers out of 15) mentioned the departmental pressure they faced when investigating rape cases. The nature of departmental pressure is related to apprehending offenders rapidly and submitting investigation reports rapidly. Basically, this happened in highly publicized cases. Due to this pressure, the IO became demoralized and submitted an investigation report without completing the proper investigation. One officer said,

“Our higher officers pressurize us to deliver an investigative report as soon as possible. There is sometimes pressure to apprehend the offender immediately. This harms our mental health and makes it difficult to conduct effective investigations.”

Another officer opinioned,

“Occasionally, we receive a phone call from a superior officer from another police unit pleading our case on behalf of a relative or acquaintance who is a suspect in a crime. Most people try to lobby through their influential connections even if they have a legal claim.”

Hence, it is evident that departmental pressure exists in the police department, although in a limited number of instances. However, departmental pressure can demoralize investigators and make it difficult to conduct investigations earnestly.

4. Conclusions

Police are the first responder from the criminal justice system to rape survivors. In many cases, the judicial proceedings begin after a lawsuit is filed at the police station. Police investigate rape cases, collect evidence, apprehend suspects, and finally submit investigation reports to the court. However, police have to face several issues and challenges during the investigation. The current study explores the problems and challenges that police officers face when investigating a rape case. Ambiguities in current legislation, lack of sufficient officers in the police station, lack of logistical support, and a variety of pressures such as media pressure, superior officer's pressure, and pressure from the powerful elite all pose hurdles to a proper rape investigation.

As a result, a strong emphasis on training and skill development, medicolegal and forensic evidence, job stress reduction, and proper logistical support is essential. A victim-friendly environment in the police station and hospital is also required in rape cases, in addition to social awareness and responsive societal responses to rape victims. Cooperation between police, doctors, and courts can ensure prompt justice to the rape victims. In this approach, eliminating the issues and challenges that police officers encounter and promptly responding to rape victims can help ensure proper investigation and subsequent justice.

Author Contributions: All authors have equal contributions for the entire content of this manuscript and have approved its submission.

Funding: This research received no external funding.

Conflicts of Interest: The authors declare no conflict of interest.

Informed Consent Statement/Ethics approval: Not applicable

Acknowledgments: This study gratefully acknowledges the assistance of the Officer In-charge, Tangail Sadar Police Station, and Inspector (Investigation), Delduar Police Station, for sincerely cooperating in data collection. This study also would like to thank all participants who have devoted their valuable time and provided information.

References

- Alam, S. S. (September 10, 2017). Punishment in only 60 of 4541 rape cases. *The Daily Prothom Alo*. <https://en.prothomalo.com/bangladesh/Punishment-in-only-60-of-4541-rape-cases>
- Ali, N., Akhter, S., Hossain, N. & Khan, N. (2015). Rape in Rural Bangladesh. *Delta Medical College Journal*. 3. 10.3329/dmcj.v3i1.22237.
- Banarjee, S. (2020). Identifying factors of sexual violence against women and protection of their rights in Bangladesh. *Aggression and Violent Behavior*. 52. 101384. <https://www.sciencedirect.com/science/article/abs/pii/S1359178919301843?via%3Dihub>
- Bangladesh Legal Aid and Services Trust (BLAST), (2018). *Rape law reform in Bangladesh* <https://www.blast.org.bd/content/publications/BLAST-RLR-Conference-Report.pdf>
- Bangladesh National Women Lawyer's Association (BNWLA), (2014). *Annual Violence against Women (VAW) Report 2013-2014*. <https://bnwla-bd.org/wp-content/uploads/2019/12/Annual-report-2013-2014.pdf>
- Basu, A. (2012). Use of Medical Evidence in Rape Cases in Bangladesh. *SAFE Project Research*. https://www.academia.edu/9384955/Use_of_medical_evidence_in_rape_cases_in_Bangladesh
- Burgess, A. & Hazelwood, R. (2001). *Practical Aspects of Rape Investigation: A Multidisciplinary Approach*, CRC Press.
- Cojean, S., Combalbert, N., & Taillandier-Schmitt, A. (2020). Psychological and sociological factors influencing police officers' decisions to use force: A systematic literature review. *International journal of law and psychiatry*, 70, 101569. <https://www.sciencedirect.com/science/article/abs/pii/S0160252720300285>
- Gehl, R., & Plecas, D., (2017). *Introduction to Criminal Investigation, Processes, Practices, and Thinking*. New Westminster, BC: Justice Institute of British Columbia.
- Haque, R. (2007). Criminal Law and Constitution: The Relationship Revisited, *Bangladesh Journal of Law*, Special Issue, p. 45. <https://www.biliabd.org/wp-content/uploads/2021/08/Dr.-Ridwanul-Hoque.pdf>

- Human Rights Watch (2021). *Bangladesh: Protests Erupt Over Rape Verdict*
<https://www.hrw.org/news/2021/11/16/bangladesh-protests-erupt-over-rape-verdict>
- Islam, N., & Ali, M. (2008). A study on service quality of the Bangladesh police. *Global Journal of Business Excellence*, 1(1), 1-8.
https://www.researchgate.net/publication/308119939_A_Study_on_Service_Quality_of_the_Bangladesh_Police
- Jetmore, D., (2006). *Investigating Rape Crimes, Part 1: Guidelines for first responders*. Police1.
<https://www.police1.com/police-products/investigation/evidence-management/articles/investigating-rape-crimes-part-1-guidelines-for-first-responders-Szghj3goS1WxaXU/>
- Kabir, M., Munna, M., Kamal, M., & Zaman, T. (2017). Rape in Bangladesh: A Heinous Crime Tough to Prove. *The International Journal of Social Sciences and Humanities Invention*. 4.
https://www.researchgate.net/publication/318733637_Rape_in_Bangladesh_A_Heinous_Crime_Tough_to_Prove
- Kaithwas, M., & Pandey, N. (2018). Incompetency and Challenges of Police in Rape Cases. *Social Work Chronicle*, p. 7. 52–71.
https://www.researchgate.net/publication/326994587_Incompetency_and_Challenges_of_Police_in_Rape_Cases
- Kashem, M. B. (2017). Issues and challenges of police investigative practices in Bangladesh: An empirical study. In *Crime, Criminal Justice, and the Evolving Science of Criminology in South Asia* (pp. 273-295). Palgrave Macmillan, London.
- Kashem, M. B. (2020). The reform of evidence-based investigations in Bangladesh: a rhetoric or reality. *Police Practice and Research*, 1-18. <https://www.semanticscholar.org/paper/The-reform-of-evidence-based-investigations-in-a-or-Kashem/7c12527b74879b0789fa7e5f3e574007473c9b49>
- Mia, D. (2013). Role of Doctors in the Criminal Proceedings of Bangladesh with Special Reference to Women's Access to Justice. *IOSR Journal of Humanities and Social Science*, 7(5), 43–51.
<https://www.semanticscholar.org/paper/Role-of-Doctors-in-the-Criminal-Proceedings-of-with-Rahim/87d5f34115f826f64ff0c1f2af40c740457ecb0f>
- Nazrul, A. (March 4, 2006). Malpractices Relating to Bail. *The Daily Star*, pp.18
- Odhikar (2021). *Bangladesh: Annual Human Rights Report 2021*. <https://odhikar.org/bangladesh-annual-human-rights-report-2021/>
- Rahman, M. & Hossain, A. (2017). Exploring the Factors that Affect Citizens' Trust in Bangladesh Police. In *Democracy and Governance - Contemporary Issues in Bangladesh*. Public Policy & Governance (PPG) Program, North South University, Bangladesh.
https://www.researchgate.net/publication/322677197_Exploring_the_Factors_that_Affect_Citizens'_Trust_in_Bangladesh_Police/link/5a68722d0f7e9b7a554bf5a5/download
- Sarkar, S., Rautji, R., Lalwani, S., Bhardwaj, D. & Dogra, T. (2005). A study of victims of sexual offenses in South Delhi. *Journal of Family Welfare*. 51. 60-66. <https://www.semanticscholar.org/paper/A-study-on-victims-of-sexual-offences-in-South-Sarkar-Lalwani/90f9984967334d5f7fb6d9cbf7e8a1d07af2c778>
- Siddiqua, R., Nahar, H. L., & Akond, M. A. (2021). *Women and child victimization in contemporary Bangladesh: A critical feminist perspective*. Asian Journal of Multidisciplinary Research & Review (AJMRR) ISSN 2582 8088, Tha Law Bridge Publishers, India
- The Daily Star. (May 28, 2017). *Appalling conviction rate of rape cases*.
<https://www.thedailystar.net/editorial/appalling-conviction-rate-rape-cases-1411705>
- Uddin, J. (December 3, 2018). Police training abroad: Who needs it, who gets it?. *Dhaka Tribune*.
<https://www.dhakatribune.com/bangladesh/nation/162427/police-training-abroad-who-needs-it-who-gets-it>
- UN Women (2023). *Facts and figures: Ending violence against women*. <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures>
- United Nations. (1993). *Declaration on the elimination of violence against women*. New York: United Nations General Assembly.
- White, D. & Mont, D., (2007). The uses and impacts of medicolegal evidence in sexual assault cases: A global review. *World Health Organisation* <https://www.svri.org/sites/default/files/attachments/2016-01-19/medico.pdf>
- White, M. D. (2003). Examining the impact of external influences on police use of deadly force over time. *Evaluation Review*, 27(1), 50–78. <https://journals.sagepub.com/doi/10.1177/0193841X02239018>
- World Health Organisation. (2021). *Violence against women*. <https://www.who.int/news-room/fact-sheets/detail/violence-against-women>
- Yesmen, N. (2019). Sexual Assault (Rape) in Bangladesh. *Scholars International Journal of Law, Crime and Justice*. https://saudijournals.com/media/articles/SIJLJCJ_23_29-33_c.pdf