

DOI: <https://doi.org/10.3329/rulr.v13i1.92378>

Exploring the Probation Service in Juvenile Justice in Bangladesh: A Review of Practice and Policy Gaps

Dr. Nahid Ferdousi*, Nafiz Imtiaz Hassan**

Abstract

This study seeks to explore the practical situation of probation as a non-custodial alternative measure in the juvenile justice system in Bangladesh with a review of practice and policy gaps. Through a field survey, the study analyzes the effectiveness of the Child Development Centers (CDCs), Department of Social Services (DSS), and its probation officers to prevent recidivism. The justification of the study emerges from the urgent need to bridge the gap between the legal framework and the actual application of probation in the juvenile justice system. While the Children Act 2013 and the Probation of Offenders Ordinance 1960 promote the use of probation as a child-friendly, non-custodial alternative, its implementation remains sparse and inconsistent. In practice, the potential of probation as a rehabilitative and socially inclusive measure remains underutilized. Despite the existence of many legal provisions on probation, it is rarely implemented in Bangladesh. Due to a lack of a comprehensive legal framework, institutional setup and awareness among the concerned authorities, most of the delinquent children are deprived of a child-friendly justice system. This study analyzes existing probation-related laws and policies along with international guidelines, especially in areas that remain unclear or underexplored. It also evaluates how effectively the DSS functions and whether current probation laws help prevent juvenile delinquency.

Keywords: Probation, Non-custodial alternative, Rehabilitation, Juvenile delinquents

1. Introduction

In recent decades, juvenile justice systems worldwide have experienced a marked transition from punitive models toward more rehabilitative and restorative frameworks. This reformation has been

* Professor, School of Law, Bangladesh Open University, Gazipur, Bangladesh.

** Deputy Executive Director, Taranga Mohila Kallyan Sangstha (Legal Aid Organization, Jamalpur), Bangladesh.

motivated by the concepts of child-friendly justice, non-custodial treatment, and international legal instruments to develop child-rights-based treatment in juvenile justice. In this context, the probation system maintains child-sensitive measures and allows children accused of minor offences.¹

The two-step process is maintained to operationalize the probation procedure. Firstly, the delinquent's social aptitude is assessed before releasing him to the community. Secondly, his social integration is regularly kept under supervision after release. This is the prime and foremost duty of the probation officer towards a delinquent. The process thereby emphasizes the best interest of the child and a community-focused approach, which eventually protects and ensures social and mental growth, as well as implement child-centered justice delivery process.²

The standards of the probation processes are also recognized in the international legal arena. The United Nations Convention on the Rights of the Child (CRC) affirms that non-custodial measures should be the first approach for child-centered justice process, and sanction should be taken as a last resort.³ The United Nations Standard Minimum Rules for Non-Custodial Measures 1990 (Tokyo Rules) also enshrines the notion with the objective of minimizing incarceration dependency.⁴ Bangladesh ratify the CRC Convention on 3 August 1990; thereby, it obligates to promote child-friendly justice by adopting alternative measures in place of sanction process.⁵

¹ R N Choudhry, *Law Relating to Juvenile Justice in India* (Orient Publishing Company 3rd edn, 2009) 2-3.

² V V Devasia and L Devasia, *Criminology, Victimology and Corrections* (Ashish Publishing House 1992) 45.

³ United Nations, *Convention on the Rights of the Child* (adopted 20 November 1989, entered into force 2 September 1990) art 6.

⁴ United Nations, *Standard Minimum Rules for Non-Custodial Measures (Tokyo Rules)* (adopted by General Assembly Resolution 45/110, 14 December 1990) r 2.

⁵ M Rezaul Islam and Md Anwarul Islam Sikder, 'Effectiveness of Legal and Institutional Framework for Juvenile Justice in Bangladesh: A Critical Analysis' (2014) 26 *Social Research Reports* 66-81.

The Children Act 1974⁶ and the Probation of Offenders Ordinance 1960⁷ were the first attempts to pursue an environment by establishing probation services to serve the system of rehabilitation and reintegration measures. Later, a new legislation with the same name, the Children Act, was enacted in 2023. Though the Children Act 2013 mandates the probation service, probation practice and probation management do not function with a standard budget. According to the Act, if any child is brought to the police station, the probation officers shall assess why the child has been brought there. When a child accused of an offence is presented before a court, probation officers remain with the child through the process of submission of the social investigation report. This needs to be taken into account by the DSS while implementing probation.⁸

The probation system in Bangladesh involves the courts and the Department of Social Services (DSS) under the Ministry of Social Welfare. It is the prime responsibility of the DSS to ensure implementation of probation service; in reality, probation is rarely practiced in the juvenile justice system of Bangladesh.⁹ Administratively, the probation officers are accountable to the Director of the DSS. They are legally accountable to perform the monitoring, supervisory and reporting duties as directed by the court regarding any particular probationer but it still remains challenging for a probation officer to perform their tasks in Bangladesh.¹⁰

Despite this legal framework, the probation service remains extremely underutilized in Bangladesh.¹¹ The major challenges

⁶ The Children Act 1974 was repealed by the Children Act 2013.

⁷ The Ordinance was amended in 1964.

⁸ Nilay Das Nayan and Tanushri Das, 'Probation and Its Purpose: Bangladesh Context' (2024) 4(1) *Journal of Sustainable Learning and Development* 23.

⁹ Md Abdur Rahim, 'Advocating for Alternative Sentencing' *The Daily Star* (Dhaka, 4 July 2007), <http://www.thedailystar.net/law-our-rights/advocating-alternative-sentencing-1427830?amp>, accessed 10 April 2026.

¹⁰ Bangladesh Legal Aid and Services Trust (BLAST) and Penal Reform International (PRI), *Development and Use of the Probation System in Bangladesh* (Dhaka 2014)

¹¹ Bangladesh Legal Aid and Services Trust (BLAST) and Penal Reform International (PRI) (n 2).

include the lack of designated seating for probation officers in courts, their remaining attached to the correctional centers, and their lack of support staff. When the police officers inform the probation officers about an accused who may be entitled to probation, probation officers are unable to provide support due to these limitations. Probation officers are overburdened and undertrained; judges and prosecutors lack trust in probation's rehabilitative value.¹² Moreover, the probation service is not considered as part of the court structure in the country. Hence, there are some problems in establishing effective communication between the probation officers and the judges. Even when aware of the beneficial provisions for children, the lack of coordination between responsible professional groups results in poor service delivery and injustice for children.¹³ Children on probation rarely receive follow-up services like counseling, skills training, or mentorship, leaving them vulnerable to reoffending. Children on probation rarely receive follow-up services like counseling, skills training, or mentorship, leaving them vulnerable to reoffending.¹⁴ The study assesses the current probation service in the treatment of juvenile delinquency and seeks to identify the gaps between the law and practice in the juvenile justice system of Bangladesh.

2. Approach of the Study

Three complementary data collection methods were used to shape the study: key informant interviews (KIIs), document analysis, and a comprehensive literature review.

Key Informant Interviews (KIIs) were the empirical foundation of the data collection method. These interviews were performed with five carefully selected individuals who have direct, practical

¹² Rahim (n 1).

¹³ M Imman Ali, *Towards a Justice Delivery System for Children in Bangladesh: A Guide and Case Law on Children in Conflict with the Law* (UNICEF Bangladesh, Dhaka 2010) 17-23, 53-60, 217.

¹⁴ Sultana Jahan Suraiya, 'The Long-Forgotten Law of Probation of Offenders' *The Daily Star* (Dhaka, 19 February 2019) <<http://www.thedailystar.net/law-our-rights/news/the-long-forgotten-law-probation-offenders-704232?amp>> accessed 10 April 2026.

experience with juvenile probation implementation in Bangladesh. Three probation officials from Dhaka, Gazipur, and Konabari responded, as did one senior social welfare officer in charge of managing probation-related administrative processes and one lawyer who specializes in juvenile legal aid and policy advocacy.

To map legal foundations, Document Analysis investigated major statutory texts such as the Children Act of 2013, the Probation of Offenders Ordinance 1960, and procedural regulations. Furthermore, international norms such as the United Nations Convention on the Rights of the Child (CRC), the Tokyo Rules, and numerous UNICEF and Penal Reform International guidelines were examined for normative purposes.

The study used a purposive sample technique to select respondents who were best suited to provide detailed and experience-based information. The purposeful selection of 15 respondents meant that the data was complemented by cross-sectoral viewpoints, with participants from both implementation and policy levels. When choosing respondents, ethical and logistical issues were taken into account.

3. Contextual Background

There are few systematic, peer-reviewed studies analyzing the effectiveness and results of juvenile probation in Bangladesh. However, exploratory studies reveal significant gaps. One of the earliest and most notable donations came in 2014 from Penal Reform International (PRI) and the Bangladesh Legal Aid and Services Trust (BLAST).¹⁵ This foundational study discovered that probation was infrequently used across districts. Even when used, judges and officials were unaware of its rehabilitative potential. Probation orders were granted without mandated social inquiry reports or follow-up, making them merely symbolic rather than a genuine alternative to jail.

¹⁵ Bangladesh Legal Aid and Services Trust (BLAST) and Penal Reform International (PRI), *Development and Use of the Probation System in Bangladesh* (Dhaka 2014)

Alam¹⁶ emphasizes his works on the function of probation officers and concluded that the whole process continues to function in a disorderly manner. Furthermore, regulatory institutional arrangements are absent whereas the individual initiatives perform the probation services. Islam¹⁷ expanded the scope by comparing the provisions of the Children Act of 2013 and the Probation of Offenders Ordinance of 1960 to how these laws are really administered in various regions. His findings revealed an alarming mismatch between law and practice. Social inquiry reports were hastily drafted, poorly researched, or skipped probation treated as backup when detention wasn't possible.

The research of Miah, Akter, and Kamruzzaman¹⁸ identified a near-total absence of restorative justice practices. Victim-offender mediation and family conferencing—proven elsewhere—remain unintegrated into Bangladesh's probation system. Their absence is remarkable, especially given the demonstrated effectiveness of such approaches in boosting non-custodial rehabilitation programs elsewhere. Some NGO-led programs offer localized examples of successful probation-related activities,¹⁹ including the community-centered diversion schemes. The reports claim that the collaborative programs give more positive responses. However, these projects are often arranged through sponsored schemes, on short-term basis, and government often stays out of their purview.

4. Concept and Evolution of Juvenile Probation in the Global Context

During the 19th century, the process of probation was popularized by the nature of its interim release; by then, the youth offenders

¹⁶ Md Shah Alam, 'The Probation System of Bangladesh: A Legal Analysis with Special Reference to Rajshahi Metropolitan Area' (2023) 3 *EBAUB Journal of Law* 16.

¹⁷ M Rezaul Islam and Md Anwarul Islam Sikder, 'Effectiveness of Legal and Institutional Framework for Juvenile Justice in Bangladesh: A Critical Analysis' (2014) 26 *Social Research Reports* 66-81.

¹⁸ Md Abdul Kader Miah, Mahmuda Akter and Md Kamruzzaman, 'The Effectiveness of Restorative Justice Practice in Bangladesh: An Analysis' (2017) 5(5) *Humanities and Social Sciences* 176-183.

¹⁹ Aparajeyo-Bangladesh, the Bangladesh National Women Lawyers' Association (BNWLA), and Save the Children

were permitted to stay in a social environment under official supervision. The system of captivation was not a part of the probation procedure.²⁰ With the passage of time, a community-based approach has become a customary practice. On the other hand, the incarceration process has become unpopular due to its continuing tendency towards social exclusion, victims' distress, and increased recidivism.²¹

The evolution of the notion of the probation system is based on the idea that juvenile delinquents need to be nurtured and motivated instead of being condemned.²² Retributivism ought to be the final choice in the justice delivery process for a youth offender. The underlying principles of the probation system are 'restoration, accountability, and improvement'.²³

The most widely recognized international convention, namely, the United Nations Convention on the Rights of the Child (CRC), affirms the ideology of rehabilitation within the probation legal framework. The Convention strongly emphasizes that punitive attribution towards a youth offender should only be employed as a choice of final steps and in a more flexible manner, whether it is about the time of incarceration and the nature of punishment.²⁴

The same doctrinal approach is also followed in another prominent international legal instrument: the United Nations Standard Minimum Rules for Non-custodial Measures, commonly known as the Tokyo Rules (1990). These rules call on states to expand their range of non-custodial responses throughout the criminal justice

²⁰ Siddharth Bawa, *Law Relating to Juvenile Justice and Probation of Offenders* (New Era Publications 2008) 2.

²¹ Md Abdul Kader Miah, Mahmuda Akter and Md Kamruzzaman, 'The Effectiveness of Restorative Justice Practice in Bangladesh: An Analysis' (2017) 5(5) *Humanities and Social Sciences* 176-183.

²² Borhan Uddin Khan and Muhammad Mahbubur Rahman, *Protection of Children in Conflict with the Law in Bangladesh* (Save the Children UK, Dhaka 2008) 66-67.

²³ Mohammad Bulbul Ahmed and Camellia Khan, 'Juvenile Justice System in Bangladesh: A Critical Appraisal' (2010) *ASA University Review* 225-237.

²⁴ United Nations, *Convention on the Rights of the Child* (adopted 20 November 1989, entered into force 2 September 1990) art 37.

process. In particular, Rule 2.3 stresses proportionality and individualized treatment, highlighting probation as a tool that can be applied whenever it fits the circumstances. The Standard also prioritizes adequate child-friendly amenities, correctional education, and regular supervision.²⁵

The juvenile tribunal, regenerative system, and multidisciplinary supporting mechanisms are other well-known and widespread models of the probation system. More precisely, they are more common in nations such as Norway, Canada, and New Zealand. These models prioritize early intervention, involve families in decision-making, and regularly assess outcomes. Where probation has worked well, it has usually been because of committed staff, reliable funding, and the active participation of families and communities in the rehabilitation process.²⁶ Multifarious factors contributed to its success, like a regular evaluation strategy, guidance by an expert justice resources official, ample improvement facilities, and increasing community attachment.

5. Legal and Institutional Framework of Probation in Bangladesh

In Bangladesh, principal statutes that make a transitional paradigm from punitiveness toward correctional and rehabilitation measures are the Probation of Offenders Ordinance, 1960, and the Children Act, 2013. Though international legal instruments have influenced the juvenile statutory framework in Bangladesh, considerable gaps are evident when they are applied in practice.

With the mandate of assisting novice delinquents, the Ordinance 1960 encompassed fundamental regulatory principles of the probation system, including legal duties of the probation officer, the process of reconnecting with the social environment, the principle of

²⁵ United Nations, *Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)*; *Rules for the Protection of Juveniles Deprived of their Liberty (JDLs)*; *Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines)*; and *Guidelines for Action on Children in the Criminal Justice System (Vienna Guidelines)*.

²⁶ John Muncie, 'The United Nations Children's Rights and Juvenile Justice' in Barry Goldson and John Muncie (eds), *Youth Justice Handbook: Theory, Policy and Practice* (Willan 2009) 20-21.

supervision, and a regular individual assessment strategy. Besides, flexibility in giving juvenile punishment, the standard of maintaining the procedure of probation order, and initiating a separate forum procedure based on gender are other parameters the ordinance explicitly mentions. This provision establishes the ordinance as a rehabilitation-oriented option not only for first-time offenders, but also for women offenders. In this sense, the ordinance was an early attempt to embed rehabilitation into Bangladesh's criminal justice system.²⁷

More than five decades later, the Children Act, 2013 was passed with the promise of transforming the country's juvenile justice system.²⁸ This Act created specialized Children's Courts and explicitly encouraged the use of non-custodial measures such as probation, diversion, and restorative justice. The most effective form of this diversion is found in Section 52 of the Act, which talks about resolving disputes through 'Family Conference'. It is a child-friendly alternative process, where the child, his/her family, and the mediation of the victim and the community come together to arrive at an acceptable solution, even before the formal adjudication process begins. At this conference, the child can realize his mistake, compensation can be arranged, and most importantly, the child gets a chance to go back to society free from the 'criminal' label. This is an important aspect of restorative justice.

Another culminating standard that the Act sets is the empowerment of the Court to discharge a delinquent following a probation standard by considering the age, gender, personality, and the overall circumstances that surrounded the situation.²⁹ Besides, a supervisory probation official is also appointed to monitor the improvement.³⁰ In doing so, the Act upholds and obliges the justice delivery personnel to maintain or give the highest consideration for

²⁷ Mohammad Shafiul Alam, *Probation Nirdeshika (Guideline of Probation)* (Kamib Prokashon Limited 2008) 27, 29.

²⁸ Government of Bangladesh, *The Children Act 2013* (Act No 26 of 2013).

²⁹ *The Children Act 2013*, s 34.

³⁰ Government of Bangladesh, *The Children Act 2013* (Act No 26 of 2013) s 31.

the ‘best interest of the child’, a cardinal doctrine of the international child-related legal instruments.³¹

The Act also underscores accountability. Both police officers and probation officers are legally bound to perform their duties, and failure to do so can result in sanctions. Several sections, including 22(4), 31(1), 31(2), 34(7), and 34(8), spell out the procedures and safeguards that must accompany probation officers, from formalities in the courtroom to follow-up mechanisms during supervision.³² The following data represent the salient features of both statutory legislations:

Table 1: Comparative Legal Analysis

Feature	Probation of Offenders Ordinance, 1960	Children Act, 2013
<i>Applicability</i>	Adults & Juveniles	Exclusively for Juveniles or Children
<i>Nature</i>	General sentencing alternative	Specialized juvenile justice instrument
<i>Social Inquiry</i>	Optional	Mandatory
<i>Diversion Options</i>	Not addressed	Explicitly allowed
<i>Conferencing</i>	Not addressed	Mandated
<i>Coordination</i>	Minimal	Strongly encouraged
<i>Supervision Scope</i>	Limited to compliance	Support, education, and reintegration

The responsibilities and functions of the probation officials are often hinder due to institutional incapacity and heavy workload. The absence of coordination between the Ordinance 1960 and the Act 2023 causes incompatible application and incoherent interpretations. In particular, the incompatibility happens when it comes to the issue jurisdiction. The dualism also negatively impact on decision making procedure. The situation further become worsen due to the

³¹ *The Children Act 2013*, s 49.

³² Government of Bangladesh, *The Children Act 2013* (Act No 26 of 2013) s 22.

inadequacy of capacity building program and non-custodial alternatives.³³

Besides, the four fundamental challenges that make the probation system an ineffective one are resource constraints, lack of institutional collaboration, increasing gender disparity, and absence of national statutory codification. Probation officers are often faced with basic amenities scarcity, deprivation from beneficial incentives, a lack of official premises, and a lack of modern communication appliances.³⁴ Secondly, NGOs, legal aid service groups, and community-driven institutions are three optimal service forums for the juvenile justice delivery system.

However, their collaborative works on probation practices are rarely observed. Thirdly, and perhaps most shocking, is that girl youth offenders often witness social segregation from family and community environment, as well as face heavy stigmatization. Lastly, though the Children Act 2013 frames a legislative structure, a clear visionary workflow is absent from the national policy level. The absence of an effective and long-term visionary approach leads the system to a minimal and undervalued domain of the justice delivery process, instead of establishing a key component of the child-friendly justice process.

6. Findings and Discussion

The results are organized into six themes based on the research objectives and questionnaire.

6.1 Stakeholder Roles and Experience

The effectiveness of juvenile probation depends on how the stakeholders, especially DSS officers know and implement their roles. Nevertheless, the truth is that there is a disjointed reality in which roles are not defined and supported.

³³ Md Zakir Hossain, 'Legal Analysis towards Justice for Children' *The Daily Sun* (Dhaka, 17 March 2020).

³⁴ Abdul Hakim Sarker, 'Probation in Bangladesh: Problems and Prospects' (1989) 1(1) *Dhaka University Studies, Part-F* 127-136.

Although they are the frontline of the system, probation officers are overwhelmed with administrative issues of filling forms and writing up reports instead of offering rehabilitative services. They have little to do with children and families leaving such a vital activity as case management, counseling, and follow-up. This is an embodiment of a structural issue of bureaucratic process taking precedence over rehabilitation.³⁵

The officers are burdened with probation being an extra responsibility with other tasks such as preventing child marriage and monitoring of shelters. This multitasking causes role overload, lack of specialization and undermined availability to probationers.

There is a great diversity of legal literacy among stakeholders. Some people know the Children Act 2013 quite well, whereas others are not fully aware of its simple knowledge. There is no training on pre-service or refresher training, which contributes to the uneven performance and misuse of the legal provisions. The participation of officers in the judicial affairs is highly regional and is not supported by the institutions, but by personal motivation. Social investigations often become mechanical form-filling due to time constraints, high caseloads, and inadequate training. Physically and institutionally, probation officers are not involved in the courts; they are situated in the offices of DSS or DC. This disconnection is an obstacle to real-time collaboration, slows down service delivery, and their impact in courtrooms.

There is an acute lack of female probation officers, so that probation access by girls is limited since male officers cannot legally and culturally supervise female probationers. This practically rules out girls in rehab options in most fields. Regarding the aspect of professional identity and motivation, a lot of probation officers indicated that they felt marginalized in the larger justice and social welfare ecosystem. They view their role as undermined and under-

³⁵ M A Rahim and M S Parvin, 'Alternative Sanctions to Convicted Offenders in Criminal Justice System in Bangladesh Focusing on Probation and Parole: A Lesson from India' (2018) 4 *South Asian Law Review Journal* 1-13.

appreciated and have little professional development or institutional encouragement.

The other issue that was brought up by the respondents was the ambiguity of the caseloads. The number of children that a probation officer should handle is not specified, resulting in dramatically different practices. In certain districts, the officers are in charge of more than 30-50 children with little logistical support. This workload diminishes the effectiveness of individualized supervision, lessens home visits, and curtails time to engage effectively with each child and his or her family.

Lastly, the results showed that there was no formal performance evaluation and responsibility of probation officers. They are not regularly evaluated in their performance, judiciary feedback is few and far between and there are no incentives given to quality service. The respondents stressed the necessity of the clearly developed performance appraisal system linked with such outcomes as the success of reintegration, the rates of compliance, and child well-being.

6.2 Legal and Institutional Framework Analysis

To be effective in a rights-based system of justice, a robust legal and institutional structure is essential to probation. This framework is based mainly on two laws in Bangladesh, namely, the Children Act 2013 and the much older Probation of Offenders Ordinance 1960. The Children Act is not very old and is largely regarded as a progressive move that would bring national law to the global standards, especially the United Nations Convention on the Rights of the Child (CRC) and the Tokyo Rules.

An interview of the major stakeholders indicated that there was a persistent conflict between these two legal tools. As one of the respondents said: Children Act 2013 is adequate to defend juvenile offenders... however, there is much trouble in implementing it because there are no rules or guidelines. This is the paradox of the juvenile justice system in Bangladesh, the laws that seem to be progressive and protective in theory do not really work in the real

world due to the lack of operational guidelines, institutional processes, and coherence.³⁶

Children Act 2013 gives a clear theoretical framework of the roles and non-custodial measures of probation officers, though the implementation continues to be partial because it lacks sufficient rules, resources and training.³⁷ The presence of the obsolete 1960 Ordinance that was drafted prior to the child rights discourse and the progressive 2013 Act is confusing.³⁸ According to one of the respondents, the old ordinance does not have child-sensitive methods, and Bangladesh is disadvantaged by the lack of effective probation laws. This is something that creates inconsistency in its use by the various courts as the older ordinance is used by some and the Act is used by the other without any procedure.³⁹

There is a great disparity in judges and their interpretation of eligibility to probation and supervision requirements. Some courts will not even consider probation because there is a procedural uncertainty and no faith in the ability of DSS to provide effective supervision. DSS is limited in structure even though it is supposed to be mandated. Probation officers are not employed by the courts and instead they are stationed in the administrative offices. This isolates, postpones report filing, undermines follow up, and destroys judicial confidence.

The lack of national guidelines on risk assessment, the preparation of Social Inquiry Reports (SIRs), and probation administration implies that practice is dependent on the district and the officer.

³⁶ M Imman Ali, *The Children Act 2013: A Commentary by Justice Imman Ali* (Penal Reform International and Bangladesh Legal Aid and Services Trust 2013) 25.

³⁷ Penal Reform International and Bangladesh Legal Aid and Services Trust (BLAST), *Development and Use of the Probation System in Bangladesh* (nd) 55.

³⁸ Shereen Sadiq and Asif Khan, 'Paint It Pink: Girls and the Juvenile Justice' (2014) 3(12) *International Journal of Advanced Research in Management and Social Sciences* 250-263.

³⁹ Abu Noman, Mohammad Atahar Ali, Zafrin Andalleb and Abu Saleh Md Tofazzel Haque, 'Towards a Proper Juvenile Justice System in Bangladesh from a Cluttered One: An Analytical Overture on Focusing Human Rights Perspective' (2018) *Journal of Human Rights Summer School* 241, 251.

Others make elaborate reports, others, due to lack of training and time, use generic formats.⁴⁰ No separate budget exists for probation services. Personal funds are being used by officers to transport, communicate and visit the homes which demotivates officers and affects the quality of services.

The action of NGO and communities is not linked to the state structure. There are no organized referral, data sharing and joint case management between DSS, police, judiciary and non-state actors that would support children in a comprehensive way.

Lastly, the existing framework fails to consider gender and vulnerability well enough. The girls, a child with disabilities, and girls belonging to the marginalized communities are at risk and have their own challenges but there are no specific policies to safeguard them. The system does not pay attention to particular vulnerabilities, which can harm children rather than defend them by treating all children equally.

6.3 Implementation and Practice Gaps

Despite the legal status of probation as an option of rehabilitation in the juvenile justice system in Bangladesh, its application in the reality on the ground shows that there are severe weaknesses that compromise its fairness, uniformity, and effectiveness. According to insights gained after key informant interviews, there were a myriad of challenges including geographic differences and judicial reluctance to as well as logistical deficits, fragile institutional trust and ineffective monitoring systems.

The rate of probation being used instead of detention is one of the most serious issues that were brought up by respondents. Although the Children Act 2013 expressly encourages the use of diversionary measures, most courts still refer children to correctional facilities even when the offence committed is minor or first-time. According to one of the respondents, they are only a few cases, in most cases,

⁴⁰ Sheikh Sabbir Hasan, Arman Hossain and Md Tanvir Mahtab, 'The Prospect of Probation as an Alternative to Imprisonment in Bangladesh' (2025) 11(2) *Journal of Asian and African Social Science and Humanities* 54-72.

children are taken to the correction centers by the court. Both of these oppositions are attributable to two related problems: the low attendance of probation officers in courtroom, and a wider underscore of judicial suspicion of the probation system. To a lot of judges, the idea of taking a child to a child development center (CDC) seems administratively easier than the more difficult process of probation which involves frequent follow-ups, contact with families, and integration in the community.

Resource, logistic, and budgetary issues depict the more acute challenges for the effective governance of probation services. The law enforcement agencies often operationalize their actions without adequate vehicle facilities, infrastructures, and sufficient evidence recording amenities. Respondent affirms that they more often use their finances to visit the justice seekers or for court proceedings. Due to resource inadequacy, counseling and communal participation happen to be neglected or carried out haphazardly.

A major aspect of implementation failure is associated with human resource shortage. The offices of probation are severely insufficient, and most of the officers take probation as a supplementary task instead of a full-time one. Frequent changing of job and lack of special training worsens the situation. Respondent emphasized: "There is no probation officer in the District, Upazila, and Metropolitan Area under the Children Act." Moreover, the system of management of caseload is not structured. Probation officers have various roles that include liaising with NGOs to handling cases of child marriage and this water downs their effectiveness in helping the juveniles. Additionally, there is virtually no provision of follow-up and aftercare services. Nonetheless, respondents affirmed that such services are either not provided or done informally at best.

The majority of the respondents indicated: "There are no reintegration programs to help the juveniles back into the society, family life, education or work after being released. This lack helps to develop a high risk of recidivism as children are left without support and supervision to get back to the same negative environments. In certain situations, children can even be re-

introduced to criminal circles and make probation fruitless. No national-level database exists to monitor probation orders, measure outcomes and evaluate the performance of officers. Probation officers keep individual records which are not standardized, digitized or distributed between institutions. This results in duplication of work, lack of information, and lost possibilities of systemic learning and improvement.

There also exist gender and vulnerability-specific barriers. Courts are reluctant to impose probation to girls due to the lack of female probation officers as they are afraid of having supervision problems. The cultural practice and institutional limitations do not allow male officers to interact with female juveniles meaningfully and this in essence eliminates girls in most places on probation.

6.4 Interagency Coordination and Capacity

A good juvenile probation system is based on strong coordination among institutions. The collaboration of courts, police, social services, NGOs and community actors provides a safety net that may steer children out of custody and into rehabilitation. Regrettably, such a degree of cooperation is mostly lacking in Bangladesh. The probation system cannot be described as effective in meeting the requirements of the Children Act 2013 and international standards in the absence of structural mechanisms or sufficient institutional capacity.

Agencies are still acutely isolated. DSS is the leader of probation, but it is not supported by other people. One respondent indicated that there was acute lack of coordination between police, probation officers, judges, lawyers and local government. PO reports do not count, suggestions are set aside. to the contrary, police rarely inform POs when a child is arrested, act without diverting to the Children Act, and do not feel pressure within the institution. SIRs are not paid much attention by courts. They are skeptical about the quality of reports, consider them as delays, or do not understand the role of POs. The lack of POs in the courtroom makes them less visible.

There are NGOs that work parallel to the government in that there are no institutional connections to DSS or courts resulting in

duplication and poor continuity of care. There is understaffing and under-resource, as well as frequent transfers within DSS. Lack of trained POs at upazila and district level implies little court liaison. Moreover, the probation service does not have access to technology infrastructure. No common case management system or online registry exists where various institutions could monitor the status, progress, and requirements of individual probationers. Consequently, children tend to become an orphan of the system; either they are offered duplicate programs or end up in the flaws altogether. Learning and accountability is a challenge in the absence of institutional memory which supports poor coordination.

6.5 Community and Family Involvement

The aspect of community and family involvement is a crucial part of successful juvenile probation system. The international standards, e.g., the Convention on the Rights of the Child (CRC) emphasize the importance of community-based rehabilitation and family participation in preventing reoffending and reintegration. In Bangladesh, however, community and family support of children under probation are low, sporadic and unorganized as indicated by the responses of key informants.⁴¹

Probation is supposed to be a community-based and non-institutionalized choice and that is facilitated and mentored by the social environment. However, in Bangladesh, the community or family is not being worked with systematically at the time. According to one of the respondents: "I have not yet discovered any community-based support. The children who are put on probation are thus left to rehabilitate devoid of or with a limited number of informal contacts. Schools, religious associations and clubs, Union Parishads, are technically not a component of probation programming but they are conveniently located to offer education, guidance and reintegration services.

There is also lack of involvement in families. Even though family care has been emphasized on the Children Act 2013, probation

⁴¹ Ruby Ghuznavi and others, *Child Rights: Reality and Challenges* (Shishu Adhikar Sangjog 2001) 138.

officers have argued that not every family will be able to take care of a child on probation since not all families, especially families of street children, or poor households, are available, engaged or prepared. The story focuses on the possibility and the inadequacy: even infrequent efforts can be successful to build a sense of community, yet without a consistent process, they will only be one-time events, and not a component of a system of systematic support. There are hardly any follow-up and aftercare services which are essential to the successful reintegration. The respondent of DSS clarified: "The juveniles do not have any services related to reintegration to help them resume their society, family life, education or employment once they are released.

This lack of aftercare brings the chances of recidivism especially to children returning to their poverty-stricken, abusive, or neglectful environment. Without premeditated intervention such as vocational training, school re-enrollment, counseling, or mentorship, the process of transition between probation and full reintegration is neither practical nor evident. The lack of community education or advocacy campaigns was also indicated by the respondents. There are no programmes that would educate the communities about the aims of probation, the rights of young offenders, or how they may help them rehabilitate in a positive way. Therefore, probationers are typically stigmatized by the society, a factor that isolates them and reduces chances of successful reintegration.

There is also a lack of a community involvement methodology that is culturally sensitive and trauma-informed. The need in the methods that are to be based on the psychological status of children who are already exposed to the community through arrest and court proceedings was also noted by the probation officers. Respondent of CCD expounded: There is a need to have effective programs on counseling, moral development, enhancing family bonding, proper education, religious sharing, healthy recreation, sports, and physical exercise.

These findings are pointers of a growing awareness within the circles of practitioners of the need that there be holistic and

community-based reintegration paradigms. However, the lack of policy requirements or resources to implement such programs puts the probation system operating in an empty void without being related to the socio-cultural realities of the child surrounding environment.⁴²

7. Certain Potential Interventions to Improve the Juvenile Probation System

Based on the valuable information given by key informants and the secondary literature, it is clear that there should be major reforms that would help in changing juvenile probation in Bangladesh to become a functional, rights-based as well as rehabilitative system. In this section, the most urgent needs are synthesized and strategic recommendations of legal, institutional, procedural, and community-based are proposed.

7.1 Policy and Legislative Reform

The general principles of juvenile probation should be revised to embrace the current concepts of child development, restorative justice, and the international principles of human rights.⁴³ Probation of Offenders Ordinance 1960 is obsolete and inadequate. The respondents demanded the creation of a new separate legislative framework that would specifically address juvenile probation. Respondent 1 pointed out: The Separate Probation Offenders Act and Rules shall be made. They should also implement a special National Juvenile Probation Policy that defines the inter-agency duties, eligibility, diversion and monitoring procedures.

7.2 Introduce a National Strategy or Action Plan on Juvenile Probation

An elaborate national plan must be developed in order to standardize and institutionalize probation practices in Bangladesh. This plan of action must involve:

⁴² Officers of Tongi, Jessore and Konabari CDCs (telephone interviews, June 2025).

⁴³ Abdus Samad, Abul Kalam Chowdhury and Md Abu Baker Siddique, *Juvenile Justice Administration and Correctional Services in Bangladesh* (Ministry of Social Welfare 2002) 2.

- Well-defined roles and responsibilities of every justice and social service actor.
- Funds to cover full-time probation officers, office facilities and transportation.
- Monitoring structures and performance indicators.

7.3 Institutional Strengthening and Human Resource Development

The DSS being the main implementing agency will have to restructure greatly. It is direly needed to hire, educate and keep huge number of full time probation officers and this time it is necessary to focus on gender balance so that both male and female juveniles can be supported. According to Respondent 2, it was necessary to appoint a good number of full time probation officers. These officers should be both in courts and community environment to help in coordination, supervision, and follow-up of cases. Moreover, support personnel to help in documentation, logistics, and psychosocial services should be employed.

7.4. Enhance Training for DSS Officers and Judiciary on Child-Sensitive Justice

Probation officers, judges, police and community service providers should be provided with robust training programs. These should cover:

- Legal requirements of the Children Act 2013 and international instruments (CRC, Tokyo Rules)
- Trauma-informed care and child psychology
- Case management tools and principles of restorative justice
- Case management and counseling
- Inter-agency coordination practices
- Professionalism and ethics in child protection

7.5 Develop Inter-Agency Coordination Protocols

Probation is not something that can be applied in isolation. The DSS, judiciary, police, NGOs and community stakeholders should have Standard Operating Procedures (SOPs) and Memoranda of Understanding (MOUs) that will:

- Provide frequent case conferencing and referral channels. - Communicate and organize service provision.
- Provide responsibility and proper management.

7.6 Integrate Trauma-Informed Approaches into Probation Practice

Probation services should be sensitive to psychological needs of children who have had encounter with the law. It is essential to:

- Educate train officers about the symptoms of trauma and the use of relevant interventions.
- Link children to mental health professionals and social workers.
- Make sure that each plan of probation involves individualized psychosocial support.

7.7 Strengthen Community-Based Rehabilitation and Aftercare Services

Powerful reintegration pathways should support effective probation. This includes:

- Involving families and local leaders using awareness and counseling.
- Collaboration with NGOs to offer vocational training, education, and mentorship.
- Creating aftercare support systems to track reintegration and minimize recidivism.

7.8 Monitoring, Evaluation, and Learning

The following measures are recommended to effectively implement the monitoring and evaluation process:

- Initiate a modern and effective record management system with emphasis on the accountability of concerned officials.
- Cases are stored in digital form for long-term preservation.
- Regular supervision of the activities of probation officials and their feedback to improve the situation is properly administered.
- Transparency should be ensured by making regular reviews and external audits.

7.9 Gender and Vulnerability Inclusion

The reformation process given more concentration on the issues gender parity, and vulnerable groups, like disable children, and underserved communities. In doing so, the system should include gender-based training, and appointment of probation officers representing from female section and diverse cultural groups. The reformation prioritize the restriction on all kinds of discrimination.

8. Conclusion

The juvenile probation mechanism plays a pivotal role in promoting and fostering the youth justice paradigm. Yet, the field in Bangladesh is often circumscribed by manifold shortcomings, both in the structural and legal framework. The present study has primarily uncovered four basic limitations of the probation system: non-prioritization tendency of pursuing youth offending cases in probation services, inadequate juvenile trial forum for delinquency, delayed proceedings in the social investigation report, and ignorance of confidentiality standards for the juvenile justice issues. In addition, a heavy case backlog, insufficient resources, a lack of expertise in juvenile court, an indifferent attitude of law-enforcing agencies, and institutional non-cooperation lead the situation to worsen.

The governmental proactive action can improve the crisis, such as the appointment of a good number of trained probation officers, the arrangement of adequate resources, creating a child-friendly justice environment in court, encouragement in probation service in the juvenile justice process, and conducting capacity-building program in regular basis for officials connected with the entire juvenile justice process.

By upholding international standards, the national policy should be framed in a fashion promoting probation services as a rehabilitation and juvenile-friendly measure. The objective of the service should be to establish a strong correlation between the juvenile and the community at large.