

**Final Report
on**

Gender Equality and Access to Law : A Basic Human Rights

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PREFACE

This report is an outcome of the project entitled “Gender Equality & Access to Law : A Basic Human Right”, organized by Khan Foundation between February 2003 – July 2003.

If we traverse the telltale situation of the women in a holistic approach, the necessity of such a program will be palpable easily. Although sex is determined by nature but the sense of gender, is imposed by the society. From the very beginning of her childhood, the elements of gender are imposed upon a girl by every possible manner. The nature of imposition of gender includes socio-cultural, socio-religious beliefs taboos and practices. Even in the same society classes of different people, towards gender are frequent to impose discrete beliefs and practices.

Gender equality is a way to overcome all prejudices, taboos, misbeliefs and thus to create a congenial environment for the women to exercise their rights and liberties guaranteed under the constitution or any other existing law. Gender equality is also concerned for qualitative development of a country and for a new sphere of understanding.

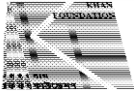
The object of the whole project is to aware and sensitize the stakeholders and to get them a process to consider the dynamic concept of gender equality. Sharing NGO experience by such kind of workshop and thus pave the way for sustainable materialization of rights of women in adjudicating process.

The judges can play a very important role in this context as the prime objective of law is to guide and control the social relationship and this very weapon “the law” is at the disposal of judges for dispensation of justice, having regard to gender equality from the positive point of view in this country, in the court of law gender equality will only be possible when the judges tend to dispose of cases before them upon objective test rather subjective satisfaction as in most of the cases traumatized victims fail to recall all the facts of the case strictly from the material point of view.

All the honourable guests speakers and particularly the participants play a vital role to materialize the project.

I am grateful to them.

Advocate Rokhsana Khondker
Executive Director
Khan Foundation



KHAN FOUNDATION

In Special Consultative Status with the Economic & Social Council of the United Nations

Report on In-country Workshop for the Judges

Held on
3rd -4th July 2003
Democracy Auditorium Khan Foundation Momenbagh Dhaka 1217

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Article 27 of the constitution of Bangladesh states that “All are equal before the law and are entitled to protection by the law”. To uphold this philosophy Khan Foundation has been trying to promote the notion of the gender equality and adoption of new laws on the subject bear testimony that women are yet to protect from abuse and misfortune as well as safeguarding the basic Human Rights of our people, especially women and underprovided. Khan Foundation has been arranging a lot of workshops, seminars, Round Table to uphold these objects.

This report is an out come of in-country workshop for judges entitled “Gender Equality and Violence Against Women” organised by Khan Foundation on 3-4 July 2003 to ensure legal protection of women in Bangladesh.

Objectives of the Workshop

Judges are actively involved with law and justice. They are very much well known with the existing laws. So, it is the Judges can find out the problems in respect of law which are barriers to protect women. The objectives of the whole program is to aware and sensitize the participating judges and to get them of a process to consider the dynamic concept of gender equality. They delivered the suggestion which are important to protect women and to remove legal inequality . The workshop also made an informal appeal before the judges to consider the cases involving violence against women.

Designing of the Workshop

The workshop was a two days program and divided into three sessions :

1. Opening Session
2. Second session
3. Concluding Session (Annex –1)

1. Opening Session

The theme of the opening session was “Gender Equality and Violence Against Women”. The Opening Session of the workshop started on 3rd July 2003 at 3:00 pm at Democracy Auditorium of Khan Foundation. The Chief Guest of this session was respected Justice Mr Md Ruhul Amin, Justice Appellate Division, Supreme Court of Bangladesh while Respected Justice Mr Mohammad Fazlul Karim, Justice Appellate Division, Supreme Court of Bangladesh and H E Mr Kyu-hyung Lee, Ambassador of South Korea was present as the Guests of Honour. Mr John Moore, Counselor (Head of AID) Canadian High Commission was present as the Special Guest of the Session. The Session was chaired by Honourable Dr Abdul Moyeen Khan MP, Advisor, Khan Foundation and Minister for Science and Information & Communication Technology. Advocate Rokhsana Khondker, Executive Director, Khan Foundation and Advocate, Supreme Court of Bangladesh inaugurated the Session. (Annex 2) (Inviting Card)

In her inaugural Speech, Advocate Rokhsana Khondker, focusing the objectives of the workshop, Told that in Bangladesh women are subject to violence of murder, rape, acid throwing, battering, mugging and mental torture. Economically they are depended to male members of the society. On the other hand participation of women in political life is very low. These are the evidence of discrimination against women in our society. Hence she said, that the satiation like this women should low face and effeclene access to law. As the judiciary is the most important organ of the state and judges are the effective machinery of

the judiciary, so the attention of the judges is to be drawn and the involvement of which is crucial to uphold the rights of women and effective free access to law on the basis of gender equality guaranteed under the constitution which is a basic human right.

She further pointed out that after becoming victim the non-cooperation of different organs of the state starts with the women subject to their socio-legal, socio-economic and socio-religious perspective. In most of the case women victims are prevented or threatened not to file cases by the miscreants and some times by the social pressure group. There after, if the case filed, non-cooperation of the law enforcing agencies are started. In case of necessary medical reports delay is intentionally caused to embellish the facts. So, in many cases false facts and charge sheet are produced before the court. Thus in most of the cases the judgment depends upon the discretionary powers and strong legal sense of the judges. In such a case if the judges consider the matter on humanitarian ground rather than legal stringency, human rights of women can be ensured.

Advocate Rokhsana Khondker executive Director of Khan Foundation expressed the major concerns of the Khan Foundation. One of the concerns of the Khan Foundation is “Democracy for Development and Development for Democracy” Which entangles also the basic human rights and the organization has taken some initiative in this regard. The lawyers are frequent to cluster exorbitant fees which is another crucial problem for our women as they are economically handicapped however the “Women Lawyers Network” the members of which is committed to assist the victim women positively in legal process and to assist the Elected Women Members of Union Parishad to get advice on legal remedy which they face in their day to day life involving the grass-roots people of the localities.

In conclusion she drew the attention of the learned judges and other concerned personnel to have a pro-active approach towards gender equality and to take concrete initiative and to create the appealed to all the women ample opportunity so that they have access to law and thus ensure protection of their basic rights. (Annex 3) (Madam speech)

The Chief Guest of the Opening session was Respected Mr Justice Md Ruhul Amin, Justice Appellate Division, Supreme Court of Bangladesh. In his address he pointed out that in every morning we see in the news papers reports on rape, abduction, killing, acid throwing, forced labours, prostitution and torture of women and children. Women are deprived of basic human rights and have a little protection of law due to procedural barriers of justice as well as their ignorance and economic insolvency. But under the constitution of Bangladesh Fundamental rights and access to law has been guaranteed irrespective of sex.

He observed that a lot of rigorous law is existing for the protection of women from violence and to ensure their basic rights as well as seminar and workshop is going on but women are not duly protected. He further observed that to change the status of women we have to change the socio-economic condition of women. Economically women are dependent to male of the society. Women should involve in the economically activities of the state. In his view the comprehensive development of Bangladesh can't achieve without being develop the condition of women who are the half of the total population of the country. We should involve the women with mainstream of the country.

According to him poor and deprived portion of the people largely come to court to establish their rights. He drew the attention of the participating judge regarding the case of a women victim to have a holistic approach. Beside this he made an appeal to the government and concerning authority to initiate a effective prosecution system.

He concluded with a note of optimism that the workshop would be a great success to educate the judges and throw new light for their further guidance.

Respected justice Mr Mohammad Fazlul Karim, Justice Appellate Division, Supreme court of Bangladesh and H E Mr Kyu-hung Lee, Ambassador for South Korea were present as the Guests of Honour.

In his address Justice Mohammad Fazlul Karim observed that equality of man and women in all spheres of life particularly in seeking justice should be ensured by any means. It is not only our civic duty but also constitutional obligation. Part III of the constitution has guaranteed a list of basic human rights to further the role of Law and fundamental freedom. Article 27 refers “All citizens are equal before law and are entitled to equal protection of Law”. Article 28 states “The state shall not discriminate against any citizens on grounds only of religion, race, caste, sex or place of birth; women shall have equal rights with men in all spheres of the state and of public life.” Bangladesh is also signatory of CEDAW where removal of inequality between men and women is the obligation for the signatory state. In spite of all these legal obligations, violence against women in South Asia particularly in Bangladesh is in an alarming situation. Inequality and violence against women are increasing day by day. He drew a picture of the situation of women in Bangladesh. In Bangladesh women are deprived of their rights, meet improper behaviour and prevailing a difference on the ground of sex. He expected that an effective measure came out from the workshop.

Mr Kyu-hyung Lee, Ambassador for South Korea observed that in Bangladesh there are many NGOs and the other is that relatively a quite large number of women are participating in those NGOs activities, and it very actively. Most are doing well for the poor, the disabled and women and children in difficult situation. In this regard he paid sincere respect to the Khan Foundation and its members for their unswerving efforts to help those in difficult condition to pursue better life for a long time. He mentioned that this meaningful workshop on Gender Equality and Violence Against Women would bring about a good and very much valuable outcome.

Mr John Moore, counselor (Head of AID), Canadian High Commission was the special Guest at the session. According to his view judges are the most respectful person in Canada even over the world. They are the pioneer to meet the main problems of a country. Gender-based violence and all forms of sexual harassment and exploitation including those resulting from cultural prejudice and trafficking incompatible with dignity and worth of the human person could be eliminated by the judges. Judges are beyond politics and personal interest.

Chairperson of the Session Honourable Dr Abdul Moyeen Khan MP, Advisor Khan Foundation & Minister for Science and Information and Communication Technology observed that judges are the mainstream of the society to eliminate the discrimination against women as well as he emphasized on the awareness of the people of the community as a whole.

The Opening Session also had conducted with an open discussion by the participating judges and sharing view with the guests. Following judges participated in the open discussion :

- 1) Mr Amar Kumar Roy
District Judge, Sylhet

- 2) Mr Molla Mustafa Kamal
District Judge, Rangpur
- 3) Mr Mir Md Awlad Hossain
District Judge, Jessore
- 4) Mr Md Salim Miah
Assistant Judge, Noakhali
- 5) Mr Md Mahtabuddin
District Judge, Bogra
- 6) Ms Jannatul Ferdus
Assistant Judge, Kishorgonj
- 7) Ms Nurun Nahar
District Judge, Rajshahi
- 8) Mohammad Nurul Haque
District Judge, Barisal

The following problems and recommendations came out from the open discussion which later on the second session of the workshop read out and produced before the Minister for Law, Justice and Parliamentary affairs Honorable Barrister Moudud Ahmed.

Problem in respect of legal protection of Violence Against Women:

Problem and recommendations for the legal protection of violence Against Women :

- present investigation system by the police is not accurate, proper and adequate. Independent investigation cell may be established to investigate the cases. There should be guidelines for the investigators and they should receive adequate and proper training how to take report of sex crimes and domestic violence; how to respond sensitivity to complainants; how to investigate such crimes; how to collect evidence ; and the protections available to ensure the safety of victims and witnesses.
- public prosecutors should have training to eliminate gender bias in their approach to cases of sexual assault or domestic violence prosecutors should have effective training in the terminology, significance and court room use of medico-legal evidence;
- independent mechanism may be established to monitor and oversee police treatment of female Victim of violence;
- there should guidelines for police intervention in case of domestic abuse;

SECOND SESSION

Violence against women have been increasing alarming both in number and severity in Bangladesh despite enactment of stringent laws. Various special laws have been enacted so far to combat the violence against women and to safeguard the interest of women . But violence against women still continue to increase. On the other hand all the cases of violence against women do not come up to the courts. Taking the advantage of poverty, illiteracy and

other handicaps of the helpless victim of violence the perpetrators manage to suppress or conceal the act of violence they perpetrate on the women. It becomes difficult and in some cases dangerous for the victims of violence to pursue justice. These victims of violence have to first confront the law enforcement system at police stations. They often encounter abusive treatment and rejection of their complaint. Women who have raped or otherwise sexually assaulted frequently find that they are insulted and treated as if they were the guilty party, not the victim. Police are often hostile or unsympathetic to women who have been battered or sexually assaulted and are ignorant of the law. In these cases trial bias on the part of the prosecutor of a failure to secure key medical evidence of the assault that often perpetrator escape Justice. Further, public prosecutor too often lack adequate training to effectively evaluate and use physical medical evidence at trial.

In many cases judges view victims of violence skeptically and tend to hold them responsible for bringing violence upon themselves. Thus at the trial stage judges frequently consider the behaviour of the women as a factor when weighing the evidence. Like other in the criminal justice system judges seldom receive adequate training on the significance of medical legal evidence and do not know how to interpret it at trial. This crucial information that could convict the accused may be disregarded or even used against the complainant. In many cases court allows irrelevant evidence of women's previous sexual activity to be admitted to show that she is of general immoral character and undermine the seriousness of her claim.

These are the procedural barriers to justice of women regarding violence against them. Learned presiding judges of the special court and general court are very much acquainted with the procedural barriers of justices. They know the loopholes of the new existing laws under the cases of violence against women are being tried. In disposing of cases against violence of women, judges may face some complications and inconvenience that affect fair justice.

In the above circumstance Khan Foundation arranged the session "Violence Against Women : Procedural Barriers to Justice" was started on Friday, 4th of July 2003 at 9:00 am in the Democracy Auditorium of the Khan Foundation. The Keynote Speaker of this session was Advocate Abdur Rezzak Khan, Additional Attorney General, Government of Bangladesh. H E Dr Michele Forster, Deputy High Commissioner, Australian High Commission and Mr Assaduzzaman, secretary, Ministry of Law, Justice and Parliamentarians Affairs was addressed as Special Guest. Respected Justice Mr. Mohammad Fazlul Karim, Justice Appellate Division, Supreme Court of Bangladesh was present as the Guest of Honour. Honourable Minister Barrister Moudud Ahmed, Ministry of Law, Justice and Parliamentarians Affairs was the Chief Guest of the Session. Honourable Dr Moyeen Khan, MP, Advisor, Khan Foundation, Minister for Science and Information & Communication Technology was the Chairperson of the Session.

Advocate Abdur Rezzak Khan the keynote speaker of the session submitted a paper named "Violence Against Women : Procedural Barriers to Justice." In his address he observed that a state of alarming situation is prevailing in the country on matters of violence against women. With passing of days we have been amending consolidating and updating our different laws as a remedial measure. But still every day we are horrified to notice in the news paper occurrences of women repression. There is growing awareness in all rank, but our attention is recounted to be simultaneously directed towards enforcement of women rights in the society as per prevalent law and bring about effective procedural and substantive laws.

The enactments on women and child repression law of 1983, 1995, and even of 2000 have not brought about any qualitative significant change to ameliorate the aggravating situation. We are contemplating further changes in law to bring in its fold new situation to avert misuse and abuse of the law.

The percentage of acquittal in violence against women case are all the more on the higher side. The reasons are manifold in nature. Women are too shy to come forward to seek justice. They prefer to suffer in silence. This omission has aggravated the situation and have resulted in numerical growth of more and more offences. The police attitude and police station environment of improved nature will play a vital role to help build up confidence in the mind of victim of women to come up with genuine grievance. A discouraging apathy and non-cooperation have been working as a deterrent factor. Through out the entire period of police investigation the practice is that it is family of the victim who will produce the evidence before the police and it is a difficult job and is definitely a hindrance to seekers of justice.

He pointed out another barriers in seeking justice that medical examination, Where needed of victims from Government hospitals is a difficult exercise. Delayed and defective medical reports instead of being an aid to prove offence Ultimately turns out to be used as ruining the prosecution case. There are provisions in existing law enabling courts to occasionally hold proceedings in camera, particularly when sensitive matters and issues are subject matter of evidence adduced by women compliance of such provision is a legal requirement. It has become customary to allow parties to address courts and indulge in lengthy hearing on matters of framing of charge. The law in this regard enjoins an investigation not to find out truth and proof of allegations, but ascertaining of a prima facie case. The law has set certain limits in this matter and it is highly improper to drag on hearing on framing of charge for long period.

In violence against women cases one of the issues of great magnitude is a search for securing corroborative evidence of independent nature which is difficult to obtain only help and assistance of activist groups can bring about a gainful change. As women victims are of humble origin and less fortunate ones in the society, they always remain under the influence of pressure groups and eventually witnesses turn hostile being gained over or remain under threat and victim families are forced to compromise out of court and this results in failure of justice. the remedial measures are required to be sought not more in the law, but in social awareness community help and dedicated cooperative activist groups should be organized to monitor cases, certainly and regionally for ensuring justice through due process of law.

The Special Guest of the session His Excellency Dr Michele Forster observed that in spite of constitutional obligation and also enactment of laws violence against women has been increasing in Bangladesh. She emphasized on training for the police who are key responsible machinery for investigating and producing of a case before the court. She also observed for the reducing violence against women, social condition must be changed. Media can play a vital role in this respect. She also observed that if the women are legally aware, miscreants will not dare to commit offences in most of the cases.

Mr Assaduzzaman, Secretary, Ministry of Law, Justice and parliamentary Affair observed that we have a lot of law and procure for seeking justice in respect of violence against women. Despite policy and legal commitments, ensuring equal rights for women still appear to be difficult tasks. Lack of appreciation of women issues may result in discrimination and

injustice. Due to ineffective implementation of laws and procedure courts fails to punish the offenders against women's rights as a human being and women. Lack of understanding and sensitivity of women issues among police, judges, doctors, lawyers and social workers contribute to lack of punishment and inadequate redress to the victims.

The Guest of Honour Respected Justice Mr Mohammad Fazlul Karim observed that this workshop on "Gender Equality and violence Against Women" and particularly the second session on "Violence Against Women : Procedural Barriers to Justice" is designed to make the participants judges who are dealing with offences violence against women and children to give a first hand idea about of the traumatic experience of the women victims so that upon administration of justice, victim go out of the courtroom with a wonder feeling of discrimination on ground of sex which is our cherished in our constitution. He hoped that participants judges would be immensely benefited out of the workshop.

The Chief Guest of the Session was Honourable Minister Barrister Moudud Ahmed, Ministry of Law, Justice and Parliamentary Affairs. Honourable Chief Guest observed the Session for a long time and heard the problem and recommendation from sitting judges regarding violence against Women and Functioning of court in this respect. In his address the Minister Declared some revolutionary steps to be taken by the government in respect of court and justice in particular in case women victim.

He told that the government planed to appoint public prosecutors (PPS) in different court through public service commission (PSC) to ensure qualified participation of prosecution from government side which is fundamental responsibility of a state to wards its citizen. He told "A bill to this effect will be placed in the next session of the Jatiya Sangsad," he said adding that the new cadre service would be named as "Permanent Legal Service". He further explained the objectives of such plan, told that public prosecutor s were still being appointed on an ad-hoc basis. They lose their job with the change of government. He said adding that such trend was, in fact, hampering the normal course of activities in the field of legal affairs. That is why the government is very keen to finalize the process of their appointment through 'Public service Commission.'

Barrister Moudud again pointed out that the police is the investigating authority of a case, through they have no adequate knowledge on legal issues, so this trend should be charged. The present Government planned to establish a 'Investigating Cell' comprising of probably CID and other necessary mechanism. He further observed the witness are not protected under present system of legal procedure, so we have to ensure the protection of witness by enacting new laws.

The Chairperson of the Session, Honourable Minister Abdul Moyeen Khan in his address before the judges emphasized over the legal awareness of the commoners and the whole community. In a bid to make comprehensive awareness he suggested that first of all women should be literate. Most of the cases domestic violence do not come to light and remain unreported crime. He observed that judges are the key persons to project the rights of women. Women can depend upon the judges in prosecution in spite of other mechanism. Due to procedural barriers and dilatory process women ovoid going to the court. This scenario of the court should be changed

CONCLUDING SESSION

Concluding Session of the Workshop “Rule of Law : Protecting Women and the Underprivileged” was started on 4th July 2003 at 3:00 pm at Democracy Auditorium of Khan Foundation. The Chairperson of this session was Honourable Minister Abdul Moyeen Khan, MP, advisor Khan Foundation & Minister for Science and Information & Communication Technology. The Chief Guest of the Session was Advocate Hasan Arif, Attorney General, Government of Bangladesh. The Keynote Speaker of the session was respected Justice Jinat Ara, Justice High Court Division, Supreme Court of Bangladesh and the session was introduced by Advocate Rokhsana Khondker, Executive Director, Khan Foundation.

Justice Jinat Ara pointed out in her paper that rule of law means absence of arbitrary i.e. no man is above law of and ensuring equality before law as a human being. She observed the following laws and measures has taken by Bangladesh to ensure rule of law and protecting women and the privileged :

- (a) Article 27 of the Constitution States –“All citizens are equal before law and are entitled to equal protection of law.”
- (b) Article 28-
 - (1) “No discrimination against any citizen on grounds only of religion, race caste sex or place of birth.”
 - (2) “Women shall have equal rights with men in all spheres of the state and of public life.”
- (c) Article 29- “Equality of opportunity in public employment”
- (d) Article 32 – “Protection of right to life personal liberty save in accordance with law.”
- (e) Enforcement of fundamental rights in article 44 – Right to move the High Court in accordance with article 10 clause (1).
- (f) Judicial Reviews of laws and executive actions by supreme court.
- (g) The Nari-o-Shisu Nirjatan Daman Ain, 2000.
- (h) The Dowry provision Act, 1980.
- (i) Penal Code some provision.
- (j) Code of criminal procedure-section 47, 48, 52
- (k) Labaour legislation.
- (l) 60% quata for women as primary school teachers.
- (m) 10% quata for women in Government service in the post of officer and 15 for other post.
- (n) Special scholarship for education of girl child.

Then Justice Ara pointed out the nature of violence against women. According her speech two type of violence prevailing in our society.

1. Domestic violence :
 - a) Claiming dowry and torture
 - b) Physical assault
 - c) Murder
 - d) throwing Acid
2. General violence
 - a) Rape
 - b) Trafficking
 - c) Abduction for immoral purpose
 - d) Acid throwing
 - e) Outraging of modesty
 - f) Rape + Murder
 - g) Murder

The reasons behind these violence are :

Family environment during the development of a child is not good enough in most of the family of our society. Most of family are poor and economically is dependent on other. Again our society has a degrading attitude towards women.

A women being tortured comes to the court for justice but the case failed in the period of trial for the following causes :

1. Reluctance of acceptance of FIR
2. Defect in lording FIR
3. Non medical examination of victim of rape immediately after the occurrence.
4. Defect in police investigation.
5. Non-appears of witness
6. Quantum of punishment.
7. Legal compromise of the case outside of the court on financial consideration / marriage / land etc. and giving false evidence before court not supporting the case mostly due to poverty.
8. Lack of awareness.

The keynote speaker provided the following suggestions for the protection of women from violence-

1. Economic independence of women. n our mail dominated society women are economically dependent on father or her family before marriage and husband or his family after marriage. So that they can't raise voice against her dependency.
2. Social awareness should raise
3. Family education from childhood
4. Elimination of poverty
5. Proper application of Lau's by all concerned

6. Sensitizations of police, prosecutors lawyers, doctors and Judges.

The Chief Guest of the Session was Advocate Hasan Arif, Attorney General, Government of Bangladesh observed that our constitution provided scope for ensuring participation of women in all spheres of national life to ensure economic social justice and has also protected the fundamental rights of all citizens, male and female, who are equal before law and are entitled to equal protection of law without any discrimination on grounds only of religion, race, caste or place of birth. In fact, women experience differently in our traditional legal system. Judges are the representative of almighty. They should not discriminate between men and women litigants, lawyers, male and female child.

He further pointed out that law alone can't protect the women without help of the investigation, prosecution and trial system. These three machinery should be involved in a participatory approach. He also observed that only rule of law can't protect women from violence without rule of society. He requested the judges to take care to maintain the dignity and prestige of women litigants. He urged to the judges to try the cases of women victim with full respect and dignity and as such make the court environment free and friendly.

He praised to Khan foundation to organise such a important program and request to enlarge its functions in the legal field.

The Chairperson of the Session was Honourable Minister Dr Abdul Moyeen Khan, MP, Advisor, Khan Foundation. The chairperson urged all the judges, to ponder over the matter wholeheartedly and considered the victims of violence against women positively in the court of law in the course of dispensing.

He told the participating judges – As judicial officers, you are in performance of your professional obligation, responsible to ensure that the spirit of the laws must not be frustrated or undermined. The application of law must consider all special and regular circumstances to address the social vices and many reasons exist for the judiciary to size the imitative and pursue awareness training on social context issues, including gender, racial equality and aboriginal justice. There is the need to ensure that our justice system operates fairly and equality, the need to ensure that judges make law, they must be aware of other values.

He concluded the workshop with a note of optimism that this workshop will be a great education for the judges and throw new light for their future guidance.

WORKSHOP ON “GIRL CHILD IN CONFLICT WITH LAW”

Background

The status of human right in our country reflects a very morbid picture, over whelmed by frequent abuse of fundamental rights of people at all stages. Discrimination goes on based on sex, disability and social status. Violence against women has increased alarmingly over the years. The situation is every morbid in case of girl child. They are suffering the victims: sexual abuse, exploitation, trafficking, kidnapping, discrimination, torture by police, early marriage and acid violence

Khan Foundation realized that for the protection of children in particular girls child, the law and legal system of Bangladesh is not in effective. It felt that awareness should be created on the issue and this circumstance, Khan Foundation organised this workshop to get peoples opinion on how to protect girls child and how to meet the contradiction of laws related to children.

Objective of the workshop

- To increase awareness among the stockholders on girl child.
- To find out recommendations for the improvement of girls child.
- To find out the recommendation to mitigate the conflict of law in relation with girl child.

Conduction of the Workshop

The them of the workshop was : ‘Girl Child in Conflict With Law’. It was hold on 15 February 2003 inh the M A Bari Conference Room Comilla. Lawyers, NGO representatives, local government representatives, government officials and member of the civil societies participated in the workshop.

The workshop followed the participatory approach where the participants expressed and exchanged their views on the subject matter. The following observations and recommendations came out from the workshop :

- Girls child in contact of law may be of tang category e.g who have allegedly committed an offence and who are in need of special protection from trafficking and who are street children and also child refuges.
- For the protection of children in particular the girls child, the following institutions provide services to child in contact with law.

These are :

- The judiciary and magistracy
- The police
- Probation officers
- Correctional Centres

- Places of Safety
- Vagrants Homes
- UN Agencies
- Donors
- NGOs

Despite this institutions children are not duly protected. The workshop observed that the following reasons are cases for this situation of girls child :

1. Lack of awareness of laws affecting juveniles. If a child commits a criminal offences, she will be charged under penal code 1860, or under some other laws.
2. The absence of comprehensive juvenile justice system. This situation creates some confusion and misunderstanding, which in turn leads to the poor implementation of existing laws.
3. Infra structural limitations. Lack of general infrastructure. Lack of logistic support and law ratio of police to public.
4. Poverty. poverty is the primary cause for child abuse.
5. Laws are not implemented properly. There are many examples of laws affecting children not being utilised or implemented correctly. For example –
 - a) probation officers are not being used.
 - b) trial of adults and children not being separated.
 - c) sending children to prison
6. Lack of care.
7. Inadequate legal representation.

The following recommendations sought out from the workshop for the protection of girl child :

1. Establishing a comprehensive, child-friendly juvenile system.
2. Compulsory and effective implementation of birth registration.
3. Improve access to education for the ultra-poor.
4. Child in jail should be considered for a special care.
5. Training for the police and magistrates conducting with child.
6. Legal reform.
7. Promote family mediation.
8. Models of care and protection for victims.
9. Coordination and monitoring with all concerned dealing with children.
10. Establishing an independent commissioner for children with statutory power and authority.

The workshop recommended the following for protection of girl child

DIVISIONAL WORKSHOP ON WOMEN IN THE LOCAL GOVERNMENT STRUCTURE

Venue : Khulna District Lawyers Samity Auditorium

Date : 26 February 2003

Participants : Total 63 persons

Category : Lawyers
 NGO Representative
 Women Members
 Journalists
 Students
 Government Officials

Background of the Workshop

From the past experiences in the field of effective involvement of elected women member in the local government structure, it shows that there is immediate need to improve the situation of women. At present women's direct share in local even national politics still remains low. In order to improve this situation, Khan Foundations organising seminars, workshops under various project. This workshop "Women in the Local Government Structure" is one of them and participatory approach is being followed in the workshop on local government and women issues. Khan foundation also initiated 'Women Lawyers Network' to develop a network between lawyers and the women members of the Union Parishad and to promote communication between them with the view to strengthening Local Government as well as empowering women at the grass-root level. The ultimate aim of the workshop was to create a strong and competent local government bodies by ensuring effective participation of women.

Objectives of the Workshop

- To increase women members awareness on their rights and responsibilities.
- To reinforce leadership skills and confidence.
- To create linkage between women lawyers network and elected women members .
- To seek recommendation from participants how to ensure effective involvement of women in local government structure.

About the Workshop

The workshop was held in a participatory approach. Every one participated with their own view and experience. The women lawyers ensured that in their area they would help women members if they face any problem. The women members expressed their barriers in the UP. The following issues came out of participatory discussion.

The Union Parishad at the local level, women members are elected against reserves seats. Theoretically they are enjoying the same rights and privileges as direct elected members. It is learnt that women members are not fully integrated in the development work of the unions. Women members role is viewed in terms of 'feminine' field activities. Social and religious restriction, purdah system, communication problems, lack of education and income earning opportunities etc. hinder women in involving local government structure. The representatives of Khan Foundation thanked all concerned for attending the seminar.

DISTRICTS WORKSHOP ON WOMEN AND POLITICS

Background of the Workshop

Bangladesh is one of the poorest countries of the world and more than three-fourths of its population live below the poverty line. In the backdrop of such a scenario, the situation of women is worse compared to their male counterparts. The major problems faced by women are: discrimination against and suppression of women, denial of education and low participation of women in politics and in decision making process.

The constitution of Bangladesh proclaims equality of all citizens before law and declares that the state shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth. Constitutional provisions however, fail to ensure equality in social and economic sphere and full participation of women in the political process.

In the above circumstances Khan Foundation has organised various voice raising programs for creation of women's awareness in politics as an instrument of change and development in the society. The present workshop is one of those programs.

Objectives

Main objectives of the workshop are to

- To create a willingness amongst women to participate in politics.
- To provide adequate representation of women in local and national Politics.

About the Workshop

The workshop on 'Women and Politics' was held on 27 February 2003, Ideal Auditorium, Jessore. Total no. of participants were 44.

The workshop was comprising of Local Women leaders, Women members, NGO Representatives, Lawyers, Journalists etc. The workshop was conducted on a participatory approach with open discussion.

Recommendation

The recommendations of the workshops were :

- The society should encourage and facilitate large scale women entry into politics.
- Realization of women through education that participation in politics gives access to decision making and sharing of resources.
- Legal measures must be taken to remove effectively the social inequities concerning women.
- Women should be made aware of their potential political power.
- Political parties should award certain proportion of their nomination for general seat for women members of their parties.

DISTRICTS WORKSHOP

ON

WOMEN AND CHILDREN REPRESSION : LAW AND PRACTICE

Background of the Workshop

A state of alarming situation is prevailing in the country on matters of violence against women and children. They are especially vulnerable to:

- Sexual exploitation
- Sexual abuse
- Trafficking
- Early marriage
- Dowry
- Acid throwing
- Murder
- Rape
- Battering
- Mental torture

As a remedial measure with passing of days, we have been amending consolidating and updating our existing laws as well as different stringent laws have by now come in force in the country. But still everyday we are horrified to notice in the newspaper occurrences of women and children repression.

Objective of the Workshop

The main propose of the workshop was discuss how women and children repression to be prevented. Keeping this in mind, Khan Foundation organised a workshop on “Women and children Repression : Law and practice” at Shilpakala Accademy, Bogra on 05 may 2003.

The workshop was attended by the women lawyers, women members , NGO representatives, journalists and Human Rights activists comprising of 66 persons. The chairperson of the workshop was Advocate Rokhsana Khondker, Executive Director, Khan Foundation. Advocate Md Sumsur Areefin, President, Bogra District Lawyers Association was present as the Chief Guest of the workshop.

The Participants took active part in the open discussion, brought out different problems faced by them in practicing law and made the following suggestions :

- Proper implementation of laws should be ensured.
- Awareness should be created among women .
- Amending the Existing law e.g. Nari – o shishu Nirzaton Daman Ain should be amended

Advocate Rokhsana Khondker, Executive Director, Khan Foundation thanked all congener for attending the seminar and concluded the workshop by saying that Khan Foundation has been working hard for safeguarding the basic human rights of citizen of Bangladesh, especially women and children at the rural settings.

WORKSHOP

ON

SHAPING OUR FUTURE BY LAW :

THE CHALLENGES FOR THE WOMEN LAWYERS

Background of the Workshop

In this age of globalization and modern scientific advancement, women are still the most deprived and under privileged group in the underdeveloped societies in general and in Bangladesh in particular. Here women's fundamental rights are not implemented according to law. Now-a-days there are women who both as women and as lawyers, are challenging restrictions in the path of their freedom and rights. However they are few in number and inadequately supported. Over the years, Khan Foundation has worked for the very deprived women of the society. In the Fight for social justice and harmony for women has always been focal agenda of the Foundations. In the journey to wards women in development, Khan Foundation formed a 'Women Lawyers Network'.

It has been observed that in the society, when the question of justice comes, women's rights and privileges in many instances are ignored or may be not even understood properly because of social condition. Our legal system cause isn't sensitized properly especially when rights of women come in question.

Women lawyers are the best persons who can try their best for bringing justice for disadvantages groups of the society.

Objective's of the Workshop

The objectives of the workshop was-

- to promote interaction between women lawyers from all the districts of the country and the capital Dhaka,
- to enerouge exchange of views and transfer knowledge,
- to raise awareness of their responsibilities and potential leadership roles as a lawyer in the society,
- to involve women lawyers in women and child rights and eventually develop a network between the lawyers and the women members of UP,
- to promote there communication with the local government as well as with the process of empowering women.

Theme of the Workshop

: Shaping our Future by Law : The Challenges for the Women Lawyers'.

Date : 16 March 2003

Venue : Ball Room, Pan Pacific Hotel Sonargoan, Dhaka

Participants : total no. of participants were 65 persons. The participants were comprising of mainly lawyers, development workers, Human Rights Activists, journalist etc.

The Chief Guest of the Workshop was then Chief Justice Mr. Mainur Reza Chowdhury and Special Guests of the workshop were Ms Justice Nazmiun Ara Sultana, Supreme Court of Bangladesh. Mr Justice Mahammad Fazlul Karim, Appellate Division, Supreme Court of Bangladesh. H E Ms Lorraine Barker, High Commissioner, Australian High Commission and Mr Mahfuz Anam, Editor, The Daily Star. The keynote speaker was Dr Mahmuda Islam, Professor Department of Sociology, University of Dhaka. Advocate Rokhsana Khondker, Executive Director, Khan Foundation delivered welcome address. The workshop was chaired by Honourable Dr Abdul Moyeen Khan MP, Advisor, Khan Foundation & Minister for Science and Information & Communication Technology.

DIVISIONAL WORKSHOP

ON

WOMEN AND CHILDREN TRAFFICKING : LAW AND PRACTICE

Background of the Workshop

Trafficking of a heinous crime randomly committed in our country. Each year thousands of children and women are become to victims of trafficking and violence. The mass trafficking of children and women not only brings misfortune to children and women but also puts the country to embarrassment. So time is for us to take concrete steps to combat this situation. Khan Foundation is working in this field for a petty long time and to aware people on the issue, it organises workshops, seminars etc. The Divisional Workshop in Rajshahi is one of those Khan Foundations programs.

Objectives of the workshop

- To create awareness among stakeholders and ultimately people in general to resist trafficking and violence against women & children.
- To get suggestions to eradicate trafficking and violence against women.

Theme of the Workshop ‘Women and Children Trafficking : Law and Practice’

Venue : LGRD Bhaban, Rajshahi

Date : 5 May, 2003

Participants : Participants of the workshop were lawyers, women members of Union Parishad, NGO representatives, journalist etc. Total Number of participants were 73

Discussion

The participants discussed on the subject matter in a participatory approach and find out the reason behind trafficking of women and children the out of the workshop.

Reasons Behind Trafficking of Women and Children

The socio-economic conditions of our country is the main cause of this crime. In our society women and children's are the victims of various cruel and inhuman acts like violence, torture, sexual abuse, early marriage etc. Lack of education, awareness, social dogmatism, religious superstition, social drawbacks are the fundamental reasons behind this exploitations. Well organised child/women traffickers take the chance of the miserable economic conditions of the people who live in poverty and hunger. They provoke the for living the village/town for employment in cities or abrrond employment opportunity in the urban areas.

Recommendations

- Establishing Hotline Center for controlling trafficking of women and children.
- Set up Information Center from where people can seek help for their sufferings.
- Forming an Investigation Team.
- Develop an effective quick action implementation mechanism and help in processing the cases for the victims, awareness them of their rights and privileges and
- Sharing their sufferings.

Catting

- The PP and APP's are nominated by the government which is the major trouble in the administration of justice.