

Democracy, Good Governance and Empowerment of Women

Report on 5th Women Lawyers' Congress 2004 22 – 23 April, 2004

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Contents

Day one: Democracy, Good Governance and Empowerment of Women

1.	Introduction	3
2.	Registration and Reception	4
3.	Welcome address	5
4.	Discussion on the topic	5
5.	Address by guests of honor	6
6.	Address by special guest	7
7.	Address by chief guest	8
8.	Address by chairperson	8

Day two (1st session): Women, Law and Media

1.	Address of Welcome	9
2.	Discussion on topic	9
3.	Open discussion	10
4.	Address by guest speakers	11
5.	Address by guest of honor	11

Day two (2nd session): Role of Women Lawyers in Politics

1.	Address of Welcome	I1
2.	Discussion on topic	I2
3.	Open discussion	I2
4.	Address by special guest	13
5.	Address by chief guest	13
6.	Address by chairperson	14
7.	Key learning	14
8.	Conclusion	14

1. Introduction :

It is widely acclaimed that the democratic system of governance is the best way of development of a country. But for proper functioning of it certain principles and norms have to be practiced by people from all walks of life. It is not very easy to do as it sounds so. For smooth flow of democracy everybody has to practice its norms and principles. As worthy citizens of the country the women lawyers can promote practice of democratic norms and principles. To find out ways and means to this end, the 5th women lawyers' congress was held on 22-23 April 2004 at the Dhaka Sheraton Hotel and the LGED Auditorium, under the auspices of Khan Foundation, a national NGO working in this line for more than a decade.

The two-day congress was chaired by Dr. Abul Moyeen Khan, Advisor of Khan Foundation and Honorable Minister for Science and Information and Communication Technology, Government of Bangladesh. It was participated by a large number of women lawyers from all over the country. Mr. Justice Syed JR Madasser Hossain, Honorable Chief Justice, People's Republic of Bangladesh, attended the congress as the chief guest, while Mr. Justice Mohammad Fazlul Karim, Appellate Division, Supreme Court of Bangladesh, was the special guest. The guests of honor to the congress on day one were : His Excellency Mr. Dietrich Andreas Ambassador for Germany in Bangladesh, Her Excellency Ms. Lorraine Barker, High Commissioner for Australia in Bangladesh, His Excellency Mr. Harry K Thomas, Ambassador for the United States of America in Bangladesh, Mr. A F Hasan Arif, Attorney General of Bangladesh, Mr. Nazmul Alam Siddiqui, Secretary, Ministry of Information, Government of Bangladesh. Besides, Mr. Riazuddin Ahmed , Editor, the Daily News Today, Mr. Shaikh Siraj, Deputy Managing Director and New Editor, ATN Bangla, and Mr. A. Razzaque, Goodwill Ambassador of UNPPA for Bangladesh, were the speakers at the congress.

On the second day of the congress, the chief guest of the concluding session was Mr. Md. Akhtar Hamid Siddiqui, Honorable Deputy Speaker, Bangladesh Parliament, while the special guests were Mr. Justice Amirul Kabir Chowdhury, High Court Division, Supreme Court of Bangladesh and Mr. John Robert Beadle, Counselor, Canadian High Commissioner in Bangladesh.

The two-day congress agenda were as follows:

Day one: Democracy, Good Governance and Empowerment of Women.

- Registration and reception
- Welcome address
- Discussion on topic
- Address by guests of honor
- Address by special guest
- Address by chief guest
- Address by chairperson

Day two (1st session): Women, Law and Media

- Address of welcome
- Discussion on topic
- Open discussion
- Address by guest speakers
- Address by guest of honor

Day two (2nd session): Role of Women Lawyers in Politics

- Address of welcome
- Discussion on the topic
- Open discussion
- Address by special guest
- Address by chief guest
- Address by chairperson

This report contains the major proceeding of the congress.

Day one: Democracy, Good Governance and Empowerment of Women

2. Registration and reception

Registration of the participants started at 11.30 at the LGED Auditorium, Agargaon, Dhaka. Women lawyers from different district Bars came with much enthusiasm and registered themselves to the congress. A handful of them also came to Khan Foundation on the proceeding day and got themselves registered. Turnover of women lawyers at the congress was noteworthy. They were well received by the organizers at the reception desk.

3. Welcome Address

Advocate Rokhsana Khnoder, Executive Director of Khan Foundation (KF) welcomed the participants and the guests at the women lawyers' congress. She explained before the audience the background of holding this congress. She maintained that democracy, good governance and women's empowerment were very much needed for the overall development of the country. Women constitute one-half of the total populace of the country. No tangible development can take place by ignoring the women. But they are neglected in almost all aspects of national life. To establish their rights women's political empowerment is of prime importance. KF since its inception has been engaged towards this end. As of now it has given training to about sixty thousand UP representatives in different aspects of democracy, good governance and women's empowerment. The women at the grass roots level must be provided with all necessary supports and services for establishing their basic human rights. Women lawyers can, she asserted, play vital roles in respect of people's legal needs. She hoped that from the two-day congress deliberations, some concrete directions would emerge as a result of active participation of the women lawyers. She conveyed thanks to all present and concluded her welcome address.

4. Discussion on the topic

Two delegates, Advocate Kaniz Fatema of Narsingdi Bar and Advocate Nargis Chowdhury of Kushtia Bar initiated discussion on 'Democracy, good governance and empowerment of women'. Advocate Kaniz Fatema upheld the view that good governance was the prerequisite for democracy, that can be ensured through equal participation of both the females and the males. She hoped a Bangladesh free from all sorts of terrorism and violence, where women would enjoy all their human rights, and where people would get justice in unhindered way.

Advocate Nargis Chowdhury opined that the women suffered injustices from the cradle to the grave. She gave some important information as follows:

- In the south-east Asia some 74 million women get lost
- Women constitute only 6% of the cabinet of ministers
- Out of 185 UN delegates only 7 are women

Advocate Chowdhury maintained that without the total development of women, attainment of sustainable development of the country would remain as a dream. She felt the need for launching movement at the grass-roots level. An independent investigation commission was also a need on the hour, she said. She demanded direct nomination of women candidates from political parties to the one-third of total seats of the National Assembly of Bangladesh.

5. Address by guest of honor

A number of foreign diplomats and national dignitaries spoke at the women lawyers' congress. Important aspects of their speeches are quoted below:

5.1 HE Mr. Dietrich Andreas

Ambassador for Germany in Bangladesh

His Excellency Mr. Dietrich Andreas, Ambassador for Germany in Bangladesh, was present as a guest of honor at the congress. He conveyed his goodwill to all present at the congress and said that there was a close relationship between democracy, good governance and empowerment of women. He expressed that good relationship between the people and their elected representatives was of vital necessity for good governance. He maintained that there was enough scope for empowering women in Bangladesh. To this end more women should be placed on committees of political parties and laws pertaining to women need be reformed. He thanked the audience and concluded his valuable speech.

5.2 HE Ms. Lorraine Barker

High Commissioner for Australia in Bangladesh

Her Excellency Ms. Lorraine Barker, High Commissioner for Australia in Bangladesh, was a guest of honor at the congress. She started her speech with good wishes to all delegates and informed them that the Australian Government from 1972 had been working for women's development and empowerment in Bangladesh. She said that Australia supported Bangladesh in her efforts towards ensuring primary education to all girl children by the year 2015. And for that purpose Australia has been providing funds to Bangladesh for giving stipends to the girls. She maintained that the women needed education for their empowerment. For empowering women in Bangladesh laws have to be reformed and properly applied. Women and men have to work together for development of Bangladesh. She thanked all and concluded her valuable speech.

5.3 HE Mr. Harry K Thomas

Ambassador for US in Bangladesh

HE Mr. Harry K Thomas, Ambassador for US in Bangladesh, attended the congress as a guest of honor. He started his speech with goodwill to all delegates and other guests. He thanked Khan Foundation for arranging such an important congress. He told the audience that thousands of women from Bangladesh were trafficked to other countries every year. Women repression is rampant here. Time is up for establishing women's rights. Law-enforcing forces have to be more

effective and active. He maintained that strict application of laws pertaining to women was of utmost necessity. The USA has always been a partner of Bangladesh in her pursuing democratic process. He urged upon the law-enforcing agencies to be sincere and impartial in discharging their duties and responsibilities. He put much emphasis on good governance as a step towards women's empowerment and overall development of Bangladesh. He ended his valuable speech with thanks to all.

5.4 Mr. Hasan Arif

Attorney General, Bangladesh.

Mr. Hasan Arif, Attorney General, Bangladesh, was a guest of honor at the congress. He started his speech with good wishes to all. He told the congress participants that time was up to assess how far we have been able to establish good governance. He held that we could not decide the elements needed for establishing transparency and accountability as yet. Women in Bangladesh are subjected to repression on two fronts, namely negative social attitude and criminal activities. To make them worthy citizens our attitudes to them have to be changed, and criminal activities against them must stop. Women lawyers can play good roles to stop criminal offences. And the law-enforcing forces need to be more transparent and accountable. He lauded the roles played by KF in this regard and hoped that it would continue to do so in future too. He concluded his speech with thanks to all.

6. Address by special guest

Mr. Justice Mohammad Fazlul Karim, Appellate Division, Supreme Court of Bangladesh, in his address told the audience that the lawyers always upheld the truth and they were the voice of conscience in face of national crisis. The women lawyers, he held, were not only a pride for the nation, but also courageous pioneers of movement against all sorts of injustices and repression meted out to women in Bangladesh. He urged upon the women lawyers to perform their professional duties with care and competence. Justice Karim informed the audience that the Bangladesh Constitution safeguarded equal rights for both the women and the men. But in reality the women are deprived of much of their legitimate rights. For realization of women's full rights, women lawyers can play vital roles. They can make the women aware of women's rights and needs, through meetings, publications and publicity. He thanked KF for organising such an august congress. The special guest then thanked all and concluded his speech.

7. Address by chief guest

Mr. Justice Syed J. R. Modasser Hossain, Honorable Chief Justice of Bangladesh, in his address said that it was a matter of regret that women in Bangladesh were deprived of their legitimate rights. Gender disparity and violence against women manifest in various forms, social stereotyping and violence at the domestic and social levels are some of the other manifestations of discrimination against children, girls and women. Things cannot go unabated this way, lest we are exposed to the world as an uncivil nation.

The chief guest went on further that we had enacted laws in the parliament for ensuring women's rights and protecting them against violence. But for various constraints and obstacles those laws are not properly implemented. The active involvement of women in the judicial system is to be considered as an important roadmap by which a tangible change can be brought in the existing unjust situation of women in Bangladesh.

The Chief Justice maintained that the good governance was the proper representation and participation at all levels in decision making and political process. He hoped that the women lawyers of the country would come forward to establish women's rights through general mass opinion formation. He lauded the roles played by the Khan Foundation for efforts towards promotion of democracy, good governance and empowerment of women in Bangladesh. He wished the congress every success, thanked all and concluded his speech.

8. Address by the Chairperson

Dr. Abdul Moyeen Khan, Honorable Minister for Science and Information and Communication Technology, Government of Bangladesh and Chairperson of the Congress, said in his address that democracy is meaningless without good governance. Nearly a half of the total population of Bangladesh is woman. No tangible development can take place by ignoring them or by depriving them of their legitimate human rights. But there are constraining factors in the way. For establishing full rights of women, they need power. We have two ladies, one as the Prime Minister and the other as the Opposition Leader, at the helm of the state affairs. But we have not enough representation of women in the parliament.

Dr. Khan maintained that we were going ahead with the discussion for increasing women's seats in the parliament. He believed that the women did not want reserved seats, rather they proffered directed elections for seats in the country's apex law-making body. In this respect the lawyers can mobilize public opinion in

its favor. They can play vital roles in establishing women's rights in all walks of national life. The women can also use information technology for their betterment. The chair then thanked chief guest, the special guest, guests of honor and the women delegates to the congress for taking part in the congress and winded up the proceedings of the first day of the congress.

Day two (1st session): Women, Law and Media

1. Address of welcome

Advocate Rokhsana Khondoker, Executive Director of KF, welcomed the participants to the session on women, law and media at the beginning of second day business proceedings. She told the audience that for establishing women's legal rights, media could play an important role in bringing up people's support to it. She held that attitude was a matter of value system that could be changed through persuasion and not through enacting laws only. She said that the law-enforcing bodies were controlled by the influential persons in the society. Consequently justice is either delayed or deviled. This is very sad. She appealed to all conscious people to come foreword for a change of this unhappy social milieue. She hoped the session would come up with certain directions on this issue.

2. Discussion on topic

A lively discussion on the topic 'Women, law and media' was initiated by Advocate Kaniz Fatema Amin of Khulna District Bar. She quoted various clauses of the constitution that guarantees equal rights and opportunities for both the women and the men. She maintained that allocation of reserved seats for women in the parliament, the city corporations, the municipalities and the union parishad was a clear violation of this constitutional Provision. She mentioned certain problems faced by the women members elected to those public bodies, which are as follows:

- a) Obstacles created in the participation in development activities ;
- b) Politicisation of members and political process ;
- c) Obstruction in the participation in litigation shalish
- d) No opinion is sought in relief distribution ;
- e) Women members kept ignorant of government circles ;
- f) Decisions one taken in committees without calling the women members ;
- g) Non-cooperation of chairmen, male members and TNO ;
- h) Non-cooperation of religious leaders ;
- i) Terrorist threats to those seeking justice for violence against women ;
- j) No scope for participation in legal actions.

Advocate Kaniz Fatema Amin was critical of the reservation of seats for women in public bodies. She said that time was now ripe to rise against this non-democratic system. She pleaded for direct nomination of women candidates from political parties for election to various public bodies, especially to the parliament elections.

3. Open discussion

After presentation of Advocate Kaniz Fatema Amin, a number delegates from different Bars took part in discussion and gave their well thought-off opinion on aspects related to women, law and media in Bangladesh. Some of the important opinions are quoted hereunder:

- Media should publish the picture of the rapist, not the raped- Advocate Selina Akher, Khulna.
- Media should propagate for payment of dower money in full. – Advocate Afroza Begum Fatema, Meherpur.
- When marriage registrar writes in the marriage deed (Kabin) that it is the first marriage of the groom, he must seek a document of proof. – Advocate Rashida Tasrin, Barisal.
- Women have to establish their individuality at home first. –Advocate Firoza Akhter, Sirajgonj .
- With cooperation from Khan Foundation – a media, the women advocates are capable to work at the grass roots level. - Advocate Narsin, Khulna.
- Early marriage is a cause for oppression on women. –Advocate Fatema Khondoker Imam, Khulna.
- For want of publicity poor people do not know that there is a fund for the oppressed at the District Judge Court. – Advocate Jarzina Akkter, Chandpur.
- Media should ply positive role in making people conscious about birth registration. – Advocate Monira, Hobiganj.
- Advocates should not accept false cases. – Advocate Suchitra Sen.

4. Address by guest speakers

Mr. Riazuddin Ahmed, Editor, the Daily News Today, spoke as a guest speaker at the congress. He said that for establishing women's right at home and outside, the media and the advocates could work in close collaboration. In this connection he put forward certain suggestions as below:

- ❖ Khan Foundation can open an Information Bank. This will enable the human rights activists to work at the grass-roots level with ease.
- ❖ A cell as Media Watch might be organized to work as watchdog against repression on women.
- ❖ Obscene Presentation of women in advertisements to be protested by the sensitive women.
- ❖ Marriage registrar to be punished if he does not register the marriage.

5. Address by guest of honor

Mr. Nazmul Alam Siddiqui, Secretary, Ministry of Information, Government of Bangladesh, while delivering his speech as a guest of honor, said that rights did not automatically flow in, rather those had to be gained with much toil and efforts. Awareness programs are broadcast through television, radio, and newspapers on women's rights and benefits available under the government provisions. There has been much degradation of human values and conducts which must be upgraded, so sooner the better. She told the women advocates that they could monitor the registration of the marriage deed (Kabin). He maintained that reforms were needed in our social, religious and family norms and practices to establish women's basic rights.

Day two (2nd Session): Role of Women Lawyers in Politics

1. Address of welcome

Advocate Rokhsana Kkondoker, Executive Director of Khan Foundation, while welcoming the participants to the session on 'Role of women lawyers in politics', said that without political empowerment of women, they could never achieve their legitimate rights in full. And reserved seats for women in the parliament and other public bodies could not do it either. What the women now needed was party nominations for national elections by a reasonable ratio. Overly the party nominations to be given on the basis of candidates qualification and competency,

and not on the basis of financial strength, in both cases of female and male candidates.

2. Discussion on topic

Advocate Jarzina Akhtar of Chandpur, Advocate Dil Afroz of Chittagong, and Advocate Arifa Jesmin Nahin of Netrokona initiated discussion on the topic ‘Role of women lawyers in politics’. All the three discussants held that without political empowerment of women, their full human rights could not be established. And for that matter their participation in the political realm was of prime necessity. But the system of reserved seats for the women in public bodies was not a good way out either. What the women needed, the discussants held unannimously, was a proportional direct nominations from political parties for elections to the public bodies. They opined that more and more women lawyers should step into political activities.

3. Open discussion

Immediately after presentation of three women discussants on the role of women in politics, an open discussion ensued. A number of participants expressed their valuable opinions on this issue. Their opinions are quoted below:

- Increasing seats in parliament will entail upon national exchequer ; to avoid it women’s nominations to be given by political parties. – Advocate Sajida Begum, Tangail.
- For political empowerment, women need to be inducted to political parties. – Advocate Rashida Khanam, Brisal.
- Women will gain position at all stages by dint of their competency. – Advocate Hosne Ara, Satkhira.
- Women should know what constraints are there in the way of their getting direct nominations to national elections. – Advocate Nazma Sultana, Rajbari.
- In every district at least one women candidate should be nominated by each political party to contest in the national elections. - Advocate Nelly, Hobigonj.

4. Address by special guests

4.1 Mr. John Robert Beadle

Counselor, Canadian High Commission

Mr. John Robert Beadle informed the congress that Canada has been helping Bangladesh to establish gender equity for quite some time. More specifically it has been assisting in women's social, political and economic empowerment through CIDA. He assured assistance and cooperation in this field would continue

4.2 Mr. Justice Amirul Kabir Chowdhury

High Court Division

Supreme Court of Bangladesh

Mr. Justice Amirul Kabir Chowdhury in his written speech told the audience that from time immemorial women were meted out with uneven treatment in all countries including this subcontinent. With passing time though much improvement has taken place, yet their condition demands a lot of special attention. It is heartening to find that a number of women are now enrolled in the Bar. To ventilate their sorrows women prefer to ventilate those through women lawyers. Justice Chowdhury maintained that for realisation of women's rights, they need to be politically empowered first. Herein also the women lawyers should take the lead. He reminded all that politics is not an end in itself, it is a means to an end.

5. Address by chief guest

Mr. Md. Akhtar Hamid Siddiqui, Honorable Deputy Speaker, Bangladesh Parliament, expressed his satisfaction at the active participation and lively discussion in the session on women lawyers participation in politics. He said that now in our country, women have been doing the jobs of from an aircraft pilot to that of the Prime Minister of the country. Now there is a high tone for more women's representation in the parliament. This to be materialized, he told the participants, women have to be put on political parties for gaining political experience and insights. The women, especially the women lawyers, should do more political activities. It is only then they will get more and more nominations for contesting in the national elections.

6. Address by Chairperson

Dr. Abdul Moyeen Khan, Honorable Minister for Science and Information and Communication Technology, Government of Bangladesh and Chairperson, in his address to the participants said that in politics more professionalism and subject specific competence was needed, and for that matter the women lawyers were more competent in politics. If unwilling to join politics, yet they can contest polls through networks of their own. They can contest as independent candidates in the elections too. But for more participation in the political process, they need to be nominated by the political party at the local level. The political parties can nominate women candidates for 50% of the portfolios. He cited the case of Norway in this context. It should be borne in all mind that no nominated candidate should spend more than taka five hundred thousands as election costs. He thanked all and declared the congress closed.

7. Key learning

- a. No need of reserved seats for women; political parties should nominate women candidates to contest polls.
- b. Media should air more spots on women's rights and empowerment.
- c. Women lawyers should more and more step in politics

8. Conclusion

The two-day congress of women lawyers on democracy, good governance and empowerment of women was marked with active and spontaneous participation of the delegates and the guests. The participants and the guests all spoke strongly in favor of good governance and women's empowerment as tools for a vibrant democratic system. The congress deliberations clearly showed the sincere will and commitment of women lawyers to this end.