



KHAN FOUNDATION

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

Judicial Gender Equality & Human Rights- Broadening the Spectrum

An In Country Day-long Seminar

Held on

**Saturday, 2nd September-2006 at
The Democracy Auditorium, Momenbagh, Dhaka-1217**

Abdul Momen Khan Memorial Foundation

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Report

On

**Judicial Gender Equality & Human Rights-
Broadening the Spectrum**

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The Democracy Auditorium, Momenbagh, Dhaka**

Organized by

**Abdul Momen Khan Memorial Foundation,
Momenbagh, Dhaka-1217**

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Executive Summary

Bangladesh strongly upholds the ever glowing torch of Democracy for a long time. The constitution provides the solid foundation and guidance in doing so. Like several other crucial issues of democratic trend, the issue of judicial Gender Equality and Human rights got its respective status in our constitution. What the latest observation shows is that we need meaningful practice and implementation of those articles prevails in the constitution. At the same time, we need to broaden the spectrum of it. Perceiving and conceiving the fact, Khan Foundation, a non-profitable, philanthropic, private organization is working on with those issues since its formation. After the successful organization of 'First and Second Judges Workshop and Four successive Women Lawyers; Congress in Bangladesh from 1998 to 2005 this day long in-country last seminar entitled "Judicial Gender Equality and Human Rights-Broadening the spectrum" held on 2nd September at Democracy Auditorium was a major event organized by Khan Foundation to sensitize issues related to Women's right in Bangladesh aimed at providing justice to disadvantaged groups, women in particular. In this respect, this seminar is also being arranged to facilitate interaction amongst the learned judges from national and international levels and to encourage exchange of views and experience as well as transfer of knowledge among them. The seminar was projected mainly to sensitize the district judges and the judges of courts to prevent repression on women.

The day-long Seminar was scheduled into several sessions. There were inaugural session, 1st & working session, 2nd & 3rd and concluding session. Among the Respectable and Honorable Guests and Speakers, there was respected Chief Justice Syed J R Muddassir Husain as the Chief Guest of the inaugural session. Honorable Barrister Moudud Ahmed, minister for Law, Justice & Parliamentary affairs was special guest of the inaugural session. Mr. Justice Douglas R Campbell, Justice, Federal Court of Canada was the Key Note Speaker of the seminar While Honorable minister for Science and Information & Communication Technology and Adviser of Khan Foundation Dr. Abdul Moyeen Khan, MP Chaired the session. Advocate Rokhsana Khondker, Executive Director of Khan Foundation inaugurate the session with her welcome speech. Other sessions of the seminar were attended by Mr. Rick Craig, Executive Director of Law Courts Education Society of BC, Ms Nasrin Begum, Joint secretary, Ministry of Law, Justice & Parliamentary Affairs, Justice Mr. Hasmat Ali, High Court Division, Supreme Court of Bangladesh, Justice Amirul Kabir Chowdhury, Justice, Appellate Division, Supreme Court of Bangladesh. Among other participants, there were district judges from different parts of the country and judges from Nari o Shishu Nirjatan Daman Bishes Tribunal and members of Parliament. Beside the formal speech giving sessions, there were open discussions participated by the district judges and other participants and a short working session, titled 'The Art of Judging: A very personal Discipline' demonstrated by Mr. Campbell. The seminar ended with so many new findings, practical experience sharing and recommendations. Advocate Rokhsana Khondker Concluded the session with her Concluding Speech.

Proceedings of the Seminar

Inaugural Session

Welcome Speech:

ADVOCATE ROKHSANA KHONDKER

Executive Director, Khan Foundation

On the outset of her speech, Ms. Khondker warmly greeted and welcomed all the respected audience and learned judges from Bangladesh and abroad. She then went on- For well over a decade, the Foundation has been working to institutionalize democracy and to empower women's Human rights as well as improve socio-economic condition of our country. She added, through our endeavor we have always worked for institutional democracy and good governance. We believe democracy is the key tool for breaking the shackles of poverty, hence it should be the prime concern in all development agendas, she said. She further said, through our activities we have always tried to reach the unprivileged and marginal people, consequently women have always been our focal target group. Our multifarious activities have always attempted to establish the equal rights of women in the society, she asserted. We believe involving women in various income generating activities is bound to have a positive impact on the overall economy, subsequently encouraging us to initiate different income generating activities for women. We have also emphasized on the reproductive health issues of women and have also worked to develop the leadership qualities of women. She claimed that in this regard, Khan Foundation has undertaken various training programs for the elected women, representative of the grass root level so that they can voice their sufferings and find suitable remedies. Ms. Khondker while delivering her speech uttered, though our constitution states "all citizens are equal before the law are entitled to equal protection by the law."; However in practice, laws are not effectively enforced, strongly aimed at eliminating discrimination. Violence against women increased alarmingly over the years. Rape, Acid-throwing, battering, trafficking is just a few of them. She proceeded, even though countless efforts have been made over the years from different corners; i.e. governmental, non-governmental, international organization, the situation remained the same and in many instances deteriorated further. This situation is even darker in the rural areas, where rights of women are severely violated.

She then said, in October 1997, Asia-Pacific Advisory forum on Judicial Election on equality issues began its journey in Delhi on the basis of the agreement of the management Team (MT) members consisting of judicial members and NGO representative the forum. KF is a MT member of this forum on judicial education on equality issues. KF firmly believes that without reducing human rights abuse in the country and protecting vulnerable groups the country would lag behind. She further said, with this view in mind, KF has been working effortlessly for safeguarding the

basic human rights of the people, especially women and children in the rural areas. In other words, KF is working for the protection of disadvantaged groups. She boldly claimed that KF is the pioneer institution in hosting such workshops. KF is Confident that on the basis of its past experience and important international liaisons it would be able to develop a successful mechanism to provide fruitful training to the judges and sensitize them. On gender issues and quickly dispose the cases of violence against women while imparting the true justice. Then she announced the main objectives of the day-long seminar:

1. To sensitize the judges to practice all kinds of discrimination against women and help to reduce violence against them.
2. Share in country and international experiences.
3. Change in mind of the participants as well as the judicial system.
4. Help to institutionalize the fundamental philosophy of human rights in our society, especially that of women and children by ensuring effective involvement of civil societies.
5. Make the judges aware of the vicious human rights scenario and induce them to impart proper justice.

The judiciary is the most important organ of the state regarding dispensation of justice to vulnerable group of women in need of protection from the wrath of social injustice. Ms. Khondker called the present distinguished audience to realize the fact ant to act accordingly. She ended her speech hoping the success of the seminar.



From Left Advocate Rokhsana Khondker, Executive Director, Khan Foundation, Barrister Moudud Ahmed, MP, Honourable Minister for Law, Justice & Parliamentary Affairs, Mr Justice Syed J R Muddassir Hussain, Respected Chief Justice of Bangladesh, Dr Abdul Moyeen Khan, MP, Honourable Minister for science and Information & Communication Technoilogy and Mr Justice Douglas R Campbell, Federal Court of Canada

Keynote Presentation:
MR. JUSTICE DOUGLAS R CAMPBELL
Justice, Federal Court of Canada



Mr. Justice Douglas R Campbell is presenting his Keynote Paper

In his keynote presentation, Mr. Campbell said, 'I know KF is working in Bangladesh for gender equality. I am also engaged in this sector for the last 9 years. For judicial gender equality, five countries are involved in this sector. I am a judge of Federal Court of Canada. From 1998 to 2004, I have worked for Gender equality in justice system. Judges' knowledge is outstanding, he asserted. In a discussion a question naturally comes- why judges training are so essential? Your knowledge is developed. Your experience is enhanced. The problem is many of us never experience equality. We see discrimination. We can ask here, how other people experience the equality in judges. Who is going to teach judges equality? Tell the judges what kind of difficulty they face when they judge. We understand the fact that Violence happens. There is a gap between judges and mass people. He added, when we, the judges feel the need to solve the problem, we see, there is none to take the action to promote changes. Today's key note issues are not about the changes of internal fact but the changes in you.

BARRISTER MOUDUD AHMED
Honorable Minister for Law, Justice & Parliamentary Affairs
Special Guest of the inaugural session

He started by thanking KF for arranging such a seminar. He said that I am sure the deliberation of judges will help them in the way of judging. The topic-Judicial Gender equality drives us to the state of human rights. That is the core issue of this seminar. He threw a question to the audience: But can you say the equality is guaranteed to

what? The people have not yet get justice for lack of education. He claimed that we are trying to empower women. It has become effortless system without education. The involvement of children in education is higher in south Asia. A large number of children are not going to school as their financial condition is not sound, he said. For this, special initiatives are given outside the municipal area. So the development goal of the government is to ensure gender equality through education. Mr. Ahmed emphasizes on motivating people as they can send their children to school. He further asserted that Now, 87% of registered women are giving vote. Women have 45 seats in the parliament. At grass root level, they are elected as up member.



Barrister Moudud Ahmed, Honorable Minister for Law, Justice & Parliamentary Affairs is delivering his speech as a Special Guest

Mr. Moudud asserted that Violence against women is a universal phenomenon. Our judges are sincere in handling the cases like women & Children trafficking, Acid crime, Dowry system. Further we have family court. Family court are playing very important role in establishing human rights especially for women. For the last three years, NGO's are providing sharp support on those issues. He ended his speech thanking all.

RESPECTED CHIEF JUSTICE MR SYED J R MODDASSIR HOSSAIN Chief Guest of the inaugural session

At first, he thanked all, especially KF for inviting him to that auspicious occasion. He said KF is working actively to sensitize judges about human rights. Judges in that case do not like public interference, he added. Crimes against women are increasing. I feel much to protect women from violence. Sometimes we feel with our conscience that there is something wrong but do not get enough evidence. We must change our attitude as a whole. To tackle this sort of problem, men rather than women should come first. Respected justice mentioned the importance of five 'R'. He said we should improve the rule regarding rape; In that case, we should rescue her first, then recover her and should make necessary arrangements for rehabilitation.



Respected Chief Justice Mr Syed J R Moddassir Hossain is delivering his valuable speech as Chief Guest

He reminded the audience that the wellbeing of the society can be guaranteed by the solidarity of its members. By anyway, we can never ignore the violence against women. Judges need to play a vital role through judicial activities.

DR. ABDUL MOYEEN KHAN, MP

Honorable Minister for Science and Information & communication Technology
Chairperson of the inaugural session



Dr Abdul Moyeen Khan MP, Advisor Khan Foundation and Honourable Minister for Science and Information and Communication Technology is delivering his valuable speech

Honorable minister started with a passionate voice: I am speaking in the favor of the dependents. The content of the title of today's seminar fit well with the urge that we must ensure the basic rights of the society. The relationship between the judges and the communities is not easy. The judges should come in contact with the common people. We should support the disadvantaged group, he suggested. This is also related to the enforcement of law. We have enacted some excellent persons of law. There is a grievance in their mind why special courts have been set up to give the basic rights to women and the children. I should say, there is no contradiction rather for this, the task becomes easier to accomplish.

Second Session:

In this session, Mr. Rick Craig, Executive Director, Law Courts Education Society of BC takes the floor and shared the related experience from Canadian perspective. After this, the audience of district judges and Nari o Shishu Nirjatan Daman Bishes Tribunal participated in a short working session with Mr. Justice Douglas R Campbell, Federal Court of Canada. With the help of flow chart and some chronological and sequential charts, Mr. Campbell conducted the session titled 'The art of judging: A very personal Discipline'. While moving with his demonstration, he presented a black box to the audience and questioned them to identify it. All the participants took a very active part in the session. At last, the black box proved to be the conscience of the judges which they should use beside the regular proceedings of the judging. Afterwards there took place a open discussion session where all the district judges participated and shared their own experiences and cases so far they dealt with. They put their opinions in favor of the seminar.



A Part of Participants

Last Session:

In the last session, Ms Nasrin Begum, joint secretary Ministry of Law, Justice and parliamentary affairs on her speech of special guest highlights on the core issues of daily violence against women. She shared some of her observed experiences at this time. Justice Amirul Kabir Chowdhury, Appellate Division justice, Supreme Court of Bangladesh, in his speech of Chief Guest repeatedly urges to the judges to perform their duty with an open mind and out of any prejudices. Advocate Rokhsana Khondker made the concluding speech of the seminar. She ended her speech cherishing a bright hope of better future when the issue of judicial gender equality and human rights would be settled.



A Part of Participants

Key note paper

In his key note presentation, Mr. Campbell said, 'I know KF is working in Bangladesh for gender equality. I am also engaged in this sector for the last 9 years. For judicial gender equality, five countries are involved in this sector. I am a judge of Federal Court of Canada. From 1998 to 2004, I have worked for Gender equality in justice system. Judges' knowledge are outstanding, he asserted. In a discussion a question naturally comes- why judges training are so essential? Your knowledge is developed. Your experience is enhanced. The problem is, many of us never experience equality. We see discrimination. We can ask here, how other people experience the equality in judges. Who is going to teach judges equality. Tell the judges what kind of difficulty when they judge. We understand the fact that Violence happens. There is a gap between judges and mass people. He added, when we judges feel the need to solve the problem, we see, there is none to take the action to promote change. Today's key note issues are not about the changes of internal fact but the changes in you.

Open Discussion

In the open discussion session, Participants said that the issue of domestic violence remains unheard as nobody come front with those sensitive issues. When a wife is in the house she almost always becomes the victim of humiliation. When she goes to the police to file a case against her husband, she is always advised to make compromise with her husband. That time she falls in a vulnerable condition. But there might be some remedies, yes, there are some depending on the issues-

- 1) Proper Investigation
- 2) A strong charge sheet.
- 3) To put a case in the appellate board.
- 4) Oral evidence and also physical evidence.

Even though what is more important is the evidence. Argument is based on evidence. We all have to gather all the evidence. Only then the proper justice can be ensured. If the charge sheet provide some strong content, if the investigation finds its proper way and all the evidence can be gathered, women can get proper justice. She will be found innocent will not be convicted. Even though, there are so many loopholes of justice. Those can affect the whole procedure a lot. The speakers of open discussion opined in favor of impartial judgment as well as expressed their firm attitude to obey the constitutional sections properly as the constitution defined our women as disadvantaged; it secured all the rights for them.

Major Highlights of the Seminar

The whole day-long seminar deserves a lot to be spotted as lime light sections in many respects. The speeches of the all chief and special guest and of chairpersons of different sessions get the special consideration in this regard. Let's take a look to the highlights.

Advocate Rokhsana Khondker, Executive Director of Khan Foundation in her gracious speech mentioned: democracy is the key tool for breaking the shackles of poverty; hence it should be the prime concern in all development agendas. Though our constitution states "all citizens are equal before the law are entitled to equal protection by the law." However in practice, laws are not effectively enforced, strongly aimed at eliminating discrimination. Violence against women increased alarmingly over the years. Rape, Acid-throwing, battering, trafficking is just a few of them. KF firmly believes that without reducing human rights abuse in the country and protecting vulnerable groups the country would lag behind. She further said, with this view in mind, KF has been working effortlessly for safeguarding the basic human rights of the people, especially women and children in the rural areas. In other words, KF is working for the protection of disadvantaged groups. She boldly claimed that KF is the pioneer institution in hosting such workshops. She announced the main objectives of the day-long seminar:

1. To sensitize the judges to practice all kinds of discrimination against women and help to reduce violence against them.
2. Share in country and international experiences.
3. Change in mind of the participants as well as the judicial system.
4. Help to institutionalize the fundamental philosophy of human rights in our society, especially that of women and children by ensuring effective involvement of civil societies.
5. Make the judges aware of the vicious human rights scenario and induce them to impart proper justice.

Mr. Justice Douglas R Campbell, Federal Court Justice of Canada on his key note presentation said, who is going to teach judges equality? Tell the judges what kind of difficulty they face when they judge. We understand the fact that Violence happens. There is a gap between judges and mass people. He added, when we, the judges feel the need to solve the problem, we see, there is none to take the action to promote changes. Today's key note issues are not about the changes of internal fact but the changes in you. Barrister Moudud Ahmed, Honorable minister for Law, Justice & Parliamentary Affairs- Special Guest of the inaugural session told in his speech that Violence against women is a universal phenomenon. Our judges are sincere in

handling the cases like women & Children trafficking, Acid crime, Dowry system. Further we have family court. Family court are playing very important role in establishing human rights especially for women. For the last three years, NGO's are providing sharp support on those issues. Respected Chief Justice Mr J R Moddassir Hossain- Chief Guest of the inaugural session said, Crimes against women are increasing. I feel much to protect women from violence. Sometimes we feel with our conscience that there is something wrong but do not get enough evidence. We must change our attitude as a whole. To tackle this sort of problem, men rather than women should come first. Dr. Moyeen Khan mp Honorable Minister for Science and Information & communication Technology- Chairperson of the inaugural session comments that the content of the title of today's seminar fit well with the urge that we must ensure the basic rights of the society. The relationship between the judges and the communities is not easy. The judges should come in contact with the common people. We should support the disadvantaged group

Key Findings of the Seminar

From the seminar, many things can be picked and named. We can arrange the key findings of the seminar as follows:

Firstly, the aim of the seminar was:

1. To sensitize the judges to practice all kinds of discrimination against women and help to reduce violence against them.
2. Share in country and international experiences.
3. Change in mind of the participants as well as the judicial system.
4. Help to institutionalize the fundamental philosophy of human rights in our society, especially that of women and children by ensuring effective involvement of civil societies.
5. Make the judges aware of the vicious human rights scenario and induce them to impart proper justice.

Then we find the issues of significant opinions, opined by the guests and participants of the seminar. Almost all of them agreed that the condition is really severe in that case of violence against women. So, Practice is rather important than the theory. Implementation of constitutional sections and law enforcement deserve the first choice to resolve the crisis. Therefore, sharing of experience among the judges signified the event most. The short working session and open discussion session proves very fruitful to the audience.

Seminar Recommendation

The seminar on 'Judicial gender equality and human rights-broadening the spectrum' comes out with some valuable recommendation and a successful ending. We can point out those:

- + While judging, constitutional articles should be followed and obeyed.
- + Judges should be out of all kinds of prejudices while performing their duty.
- + They should utilize their conscience as a third eye.
- + Domestic Violence should take under practical consideration.
- + Education is a first and foremost thing to secure the issue of human rights.
- + Gender Equality and human rights issues are seriously related to the issues of women empowerment, education and political participation.
- + The gap between judges and general masses must be eradicated.
- + Training and participatory programs are core need to resolve those issues.
- + To secure fair judgment, strong Charge sheet, case file, proper investigation and gathering of evidence is necessary.
- + the fundamental philosophy of human rights in our society, especially that of women and children must be institutionalized by ensuring effective involvement of civil societies.
- + Judges must become aware of the vicious human rights scenario and do proper justice.

Conclusion

The seminar set a mile stone before the judges and common figures in figuring out the obstacles lies on the way of Gender equality and human rights. The recommendation suggested by the respected and honorable guests would enable the concerned authority and person to take proper initiative. The sharing of experience among the judges of country and abroad would enrich each-other. The seminar would find its ultimate success if the resolutions find its way. Thus, we can hope for a better future and a better society, where judicial gender equality and human rights are well ensured.

Annex



KHAN FOUNDATION

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

Seminar

on

JUDICIAL GENDER EQUALITY & HUMAN RIGHTS – BROADENING THE SPECTRUM

September 02, 2006

Democracy Auditorium, Momenbagh, Dhaka-1217

PROGRAMME

INAUGURAL SECESSION

- | | | |
|--------------------------|----------|--|
| 9.30 am –10.00 am | : | Registration |
| 10.00 am -10:20am | : | Welcome Address
ADVOCATE ROKHSANA KHONDKER
Executive Director |
| 10:20am-11:20am | : | KEYNOTE PRESENTATION
MR JUSTICE DOUGLAS R CAMPBELL
Federal Court of Canada |
| 11:20am-11:35am | : | Special Guest
JUSTICE MR MOHAMMAD FAZLUL KARIM
Justice, Appellate Division
Supreme Court of Bangladesh |
| 11:35am-11:55am | : | Special Guest
BARRISTER MOUDUD AHMED, MP
Honourable Minister for Law Justice
& Parliamentary Affairs |
| 11:55am-12:20pm | : | Chief Guest
MR JUSTICE SYED J R MUDDASSIR HUSAIN
Respected Chief Justice of Bangladesh |
| 12:20pm-12:35pm | : | Chairperson
DR ABDUL MOYEEN KHAN, MP
Honourable Minister for Science and Information
& Communication Technology |
| 12:35pm-01:30 pm | : | Working Lunch |

01:30pm-04:30pm : SECOND SESSION

VIOLENCE AGAINST WOMEN PROCEDURAL BARRIER TO JUSTICE

01:30pm-01:45pm : SHARE THE EXPERIENCE FROM CANADIAN PERSPECTIVE
MR RICK CRAIG
Executive Director
Law Courts Education Society of BC

01:45pm-02:15pm : “The Art of Judging : A Very Personal Discipline”
MR JUSTICE DOUGLAS R CAMPBELL
Federal Court of Canada

02:15pm-03:15pm OPEN DISCUSSANT

03:15pm-04:00pm SPECIAL GUEST
Ms NASRIN BEGUM
Joint Secretary
Ministry of Law, Justice and Parliamentary Affairs

JUSTICE Mr Hasmot Ali
High Court Division
Supreme Court of Bangladesh

JUSTICE Mr Nazrul Islam
High Court Division
Supreme Court of Bangladesh

04:00pm-04:15pm : CHIEF GUEST
JUSTICE AMIRUL KABIR CHOWDHURY
Justice
Appellate Division
Supreme Court of Bangladesh

04:15pm-04:30pm : CHAIRPERSON
ADVOCATE ROKHSANA KHONDKER
Executive Director
Khan Foundation

Paper Cutting