



KHAN FOUNDATION

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

Report

On

National Follow-up Seminar

JUSTICE SYSTEM EDUCATION INITIATIVE

ON GENDER EQUALITY ISSUES

1 November 2008

Democracy Auditorium, Khan Foundation
Momenbagh, Dhaka 1217

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Introduction:

In present context, desired development in Bangladesh is not possible without woman's Economical, Political and Social development. In Social development, it is strongly required to increase the role of woman, law and advocacy system should be strong and enforcement to attain proper implementation of law when they function delivers. And to smooth these activities, Judges can play a strong role this is related with judgment.

Khan Foundation aims to promote women's right and to empower women for more than two decades. Khan Foundation arranged an exchange opinion meeting among the judges of Appellate and High court division of Supreme Court in Bangladesh to ensure "Gender Equity in Judicial procedure". KF arranged a one day workshop with the collaboration of PPs, APPs and woman lawyers of different districts in Bangladesh to more fruitful this gender issue. For this context, Khan Foundation arranged two days training workshop among the Judges and Judges of Nari O Shishu Nirjaton Daman Tribunal of different districts. To justify the effectiveness of this training in working areas, they took various questionnaires and reviewed the collected different kinds of Judgments of different cases and made a report on it.

In this context, 01 November 2008, on Saturday, arranged One day Follow- up National Seminar on "**Justice System Education Initiative on Gender Equality Issues**" held in Democracy Auditorium at Khan Foundation with the assistance of Manusher Jonno Foundation.

This Seminar was Chaired by Advocate Rokhsana Khondker, Executive Director of Khan Foundation, Justice Mohammad Fazlul Karim, Appellate Division, Supreme Court of Bangladesh, Attended the Seminar as Chief Guest While Mr. Justice Joynul Abdin, Mr. Justice M.A. Matin, Appellate Division, Mr. Justice Sayed Mahmud Hossain, High Court Division, , Supreme Court of Bangladesh and Mr. Mahbulul Alam, Editor, The Daily Independent & Former Advisor, Caretaker Government of Bangladesh graced the seminar as Special Guests. Designated Speaker included Mr. Abdur Rezaque Khan, Sr. Lawyer, Supreme Court of Bangladesh & Former Additional Attorney General of Bangladesh and Key Note paper presented by Mr. AKM Ishtiaq Husain, District Judge, Dhaka. Besides the representative of different donors, PPs, APPs, GPs, Woman Lawyers and Journalists also attended the Seminar.

Goal:

To ensure the equal rights of woman in every sphere of life.

Objective:

- To find out the important issues which are very much essential to be taken into spotlight in the National level
- To produce recommendations and suggestions after monitoring and how to deal the issues arisen while conducting the monitoring.
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Welcome Speech by Advocate Rokhsana Khondker

At the beginning of the seminar Advocate Rokhsana Khondker thanked all for participating. She said, half of our population is women. So without their development we cannot ensure overall development. The women are deprived of their right because they depend on male member of the family economically. They are being discriminated. Advocate Rokhsana Khondker advised the women for being aware and she requested the judges to justify attentively. The absolute legal side helps the women to stand strong in the society. She said, Khan Foundation has been organizing several training sessions and workshops of judges, PPs/APPs and lawyers for establishing women's right for many years. The follow-up seminar is also the systematic

outcome of it. For arranging the programs the personalities of legal side helped us very much. She thanked Manusher Jonno Foundation for sponsoring such kind of programs.

Key Note Presentation

Mr. Ishtiaq Hussain

District and Session Judge, Dhaka

Mr. Ishtiaq Hussain presented keynote paper. He said we should help the deliver legal help for deprived women. He suggested building up legal aid in every district for women and child. He advised the legal personalities to make those facilities with less finance and to make court yard fear free for women and child. He discussed many other things which are related with children and women's right. (Key note attached)

Open Discussion

Md. Mizanur Rahman

Judge, Nari O Shishu Nirzaton Daman Tribunal, Dhaka- 02

At first he thanked Khan Foundation for arranging such kind of program which can play a very important role to establish women's right. He said, "I was present at the previous workshop and gathered many things from it". He pointed out an incident that- after kidnapping a woman, the kidnapper married her and arranged all documents to support that. But the married girl was minor. So the notary public should not deliver any paper for suiting the age if it is illegal. He also said, if there is a lack in the legal system, nobody can get justice. The Act 'Nari O Shishu Nirzaton Daman' has been reformed 3 times within 20 years.

Mr. G R M Khairuzzaman

PP, Nari O Shishu Nirzaton Daman Tribunal, Bogra- 01

Some Acts should be formed for the non compoundable case. Because victim would be pressurized by the oppressor for discharging case. He pointed out, medical report should be submitted quickly that is in Section 20. The authority should send Show Cause to every district's Civil Surgeon office. He said, there are many confusions about police reports or investigation that must be clear. He suggested all to be aware of the matter.

Advocate Shah Alam

APP, Khulna Bar

He said, the police-report is not correct in different cases of women and children. Investigation should be more correct. Some other problems arise when inefficient or inexperienced doctors deliver the rape-case report. So the judgment would be not fair for the obstacle. We should be more careful to that.

Advocate Dalia

Ex. PP, Rangpur Bar

She said the rural women cannot go to the court. And if they go to the police station, the authority doesn't want to take the case. So they become confused. Moreover they actually very ill-bred about law or Act of Bangladesh. In that situation, the case becomes weak from the

beginning. But she suggested that the case between husband & wife (dowry, polygamy, family conflict) should be compoundable.

Md. Liakat Ali

APP, Rajbari

He complained that, the police station of Rajbari is not filing up the case of deprived or oppressed women. So the women have to file their cases in the court through affidavit. Maximum time the police department thinks these are unnecessary hazard. The police department should be trained up for the sensitive matter, he added.

Ms Shamsun Nahar Naeem

PP, Nari O Shishu Nirzaton Daman Tribunal, Faridpur

Ms Shamsun Nahar Naeem explained an incident of her area. A girl (minor) was raped by the criminal. After the occurrence the victim filed a case against the rapists. But the result of DNA test favored the rapist. The victim was sure about that. So she wanted to re-file the case for reexamined DNA test. The court dismissed the request. In that situation what can we do, she questioned.

Advocate Kripa Sindhu Das

APP, Moulvibazar Judge Court

Advocate Kripa Sindhu Das gave importance for submitting medical report for rape case. He pointed that if the medical report is submitted delay, corruption may be happened. The case under Section-3 (Nari O Shishu Nirzaton Daman Act 2000- reformed in 2003) should be dismissed within 6 months, he suggested. He also added that rape, kidnapping and dowry case should not be compoundable.

Advocate Sakhauat Ullah Tara

PP, Sherpur Judge Court

Advocate Sakhauat Ullah Tara said, after sexual relation when the female victim becomes pregnant, nobody can get the sign of rape without DNA test. But DNA test is very expensive. So the victim should be helped financially for that reason. Some Sessions of the Act 'Nari O Shishu Nirzaton Daman' should be reformed, he commented.

Mr. Abdul Mannan

Judge, Nari O Shishu Nirzaton Daman Tribunal, Gajipur

Mr. Abdul Mannan thanked all the participants in that seminar. He delivered some comments about DNA test. He commented, the Act should be stronger.

Mr. Samsul Haque

Judge, Nari O Shishu Nirzaton Daman Tribunal, Narayanganj

Mr. Samsul Haque said, both victim and witness mix extra color with the incident. For that reason the reality would be obscure. He also said that the cases of Nari O Shishu Nirzaton Daman Tribunal are un-compoundable, but for the peace of the family many make those compoundable.

A S M Azadur Rahman
PP, Moulavibazar Judge Court

He said, women and children related many cases are being filed in the court. The judges of different workshop and seminar advise us to compound the cases. The police station does not want to file such kind of cases. He suggested build safe custody in every district.

The Speech of Abdur Rezzak Khan
Senior Advocate, Bangladesh Supreme Court &
Ex. Attorney General

Mr. Abdur Rezzak Khan said, all the legal-personalities should be careful for the sensitive cases such as children and women related cases. Procrastination is the main problem for finalizing the judgment. He delivered some recommendations. This are-

- PPs/APPs can not be lawyer of defense party
- Lawyers must practice at least 2 years at district level
- Autonomous investigative officer should be appointed for the cases of Nari O Shishu Nirzaton Daman Act.
- The cases which are dismissed or withdrawn should be reinvestigated.
- Investigation should be free and fair.
- More Judges should be appointed
- We have to make the people more aware of the violence against women and children by different Media.

Ms Ruma Sultana
Program Manager
Manusher Jonno foundation (MJF)

She thanked Khan Foundation for giving her opportunity to speak something in the meeting. She said that those who has been dealing with Women Movement, especially when it is the case of women violence. It is proved that fair trial is not possible in all times without the protection of those who are the victim and those who are the witness.

In the 6 Divisional Safe Home of Social Welfare Division, there are proper arrangements of protection for women victim and witness. If these safe homes perform their work properly in district level, then the protection of women victim and witness will be stronger and we hope that the case of women violence will get fair trial. In this safe home, legal aid and health issues are included but the limitation of government it was not possible to activate these issues although Manusher jonno Foundation took initiative to do this job. MJF has been working and trying to ensure quality service and fair trial for the violence against women. We hope that we can help to ensure fair trial for the victim woman and to remove violence against women.

Speech by Special Guests

Mr. Mahbubul Alam

Editor, The Daily Independent &
Former Advisor, Caretaker Government, Bangladesh

At first he thanked Khan Foundation for arranging this program. He said; well to do if we want to remove the violence against women we have to make them economically empowered. We have to arrange more programs to make awareness. Crisis Center should be established in every district. The registration of birth and death should be maintained strictly. The personalities who are directly or indirectly related with judicial system have to be more sincere for applying different kinds of Acts & Sessions.

Justice Mr. Sayed Mahmud Hossain

High Court Division
Supreme Court of Bangladesh

He thanked all who participated at the follow-up seminar and commented that the judges should know about the international law. He explained the DNA test. There are three kinds of it- 1) DNA paternity, 2) DNA chromosome and 3) DNA caviling. DNA paternity is the most accepted.

Justice Mr. M. A .Matin

Appellate Division
Supreme Court of Bangladesh

He said, we have to make our girls more aware. More lessons about women's right & law should be included in their primary and secondary level education. They must be aware about the superstition of our society. The dowry cases should be judged properly, he added.

Justice Mr. Joynul Abdin

Appellate Division
Supreme Court of Bangladesh

He commented that more training and workshop for the judges are much more needed so that they can be properly informed about the Act of 'Nari O Shishu Nirzaton Daman Tribunal'. For such kind of cases 'collective solution' would be applied. In a training session the police department could be included by the side of judges, PPs/APPs and lawyers. Medical report has to be recognized as best for proving someone's age. For the rape case medical report should be submitted within 10 days. Action would be taken against the judges who deliver wrong judgment. **ADR system should be introduced.**

Speech by Chief Guest

Justice Mohammad Fazlul Karim

Appellate Division
Supreme Court of Bangladesh

At first he thanked all participants who were present at the seminar. He explained the present situation of the society and suggested many things. He said, there is clear discrimination between male and female in our society, we all know that. But we have to overcome the obstacle. In this situation Khan Foundation has been playing an important role for restoring women's right. He also said, female member of a family works from morning to evening but we don't evaluate that.

Our judges are very conscious about the matter. Generally we discuss more and more on discrimination. But we have to include the discussed issues into our existing Act. We have to establish the assurance that women who demand justice can get from the court. We have to change our attitude at first and we have to start the beginning. Training, workshop and seminar should be arranged more and more. The from efficiency of the judges of ‘Nari O Shishu Nirzaton Daman Tribunal’ should be developed more. The judges should be more careful and sensitive for their duty, he suggested.

Findings:

- Generally the people are not aware of the Acts & Sessions ‘Nari O Shishu Nirzaton Daman’.
- Women of Bangladesh are uneducated and dependant on male member of the family. So they can not do anything whatever their choices.
- The judges are also not so much experienced so that they may feel confusion for declaring any judgment.
- The police department is not trained up more about the gender related issues. So the police department doesn’t want to file the case of women.
- The cases become compoundable outside which are un-compoundable.
- Medical report is submitted delayed so that the sign of rape can be removed.

Recommendations:

- All personnel need more conscious for gender issues.
- Need to make the people more aware of the violence against women and children by different media.
- The registration of birth and death should be maintained strictly.
- PPs/APPs can not be lawyer of defense party
- Independent investigative officer should be appointed for the cases of Nari O Shishu Nirzaton Daman Act.
- More training and workshops should be arranged for judges, PPs/PPs and lawyers.
- Training and workshop should be organized for police department for the gender sensitive cases.
- The cases which are dismissed or withdrawn should be reinvestigated.
- Investigation should be free and fair.
- More Judges should be appointed

Concluding Remarks

Advocate Rokhsana Khondker

Advocate Rokhsana Khondker thanked all the Participants (The Justices, Judges, PPs, APPs, Women Lawyers and Journalists) for making this seminar a success. She expressed her hope that the participants will realize the pro-active approach towards human rights (not only about women rights) and will carry forwards the message into practice and hence promote social and economic development.

Conclusion:

Khan Foundation has been organizing such kind of programs for many years to establish women's rights. Its mission is to assist the empowerment of women. Khan Foundation believes that without the development of women the nation can not be developed because half of our population is women. So for the own sake of the nation women's development is much more important.