



KHAN FOUNDATION

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

Report

Workshop on **JUSTICE SYSTEM EDUCATION INITIATIVES ON GENDER EQUALITY ISSUES**

December 8, 2007
Democracy Auditorium
Momenbagh, Dhaka-1217

Abdul Momen Khan Memorial Foundation

Momenbagh Dhaka 1217 Bangladesh Tel : (880-2) 933 0323 Fax : (880-2) 933 1589
email : khanfoundation@bd.drik.net

It cannot be argued that women play an important role in any society or country. However, they are not always treated equally as men. Violence against women and the child oppression is a common picture in our society and in developing countries. Due to various reasons, they are denied of their rights and to justice. The groups connected with this process and the judicial system includes Lawyers, APPs, PPs and Judges. They are confronted with problems of violence of women and other related matters and they play the dominant role in solving these critical issues. Khan Foundation is also engaged in the mission of justice system education initiative on gender equality issues. It believes that women lawyers, APPs, PPs and Judges can play a vital role in justice system on gender equality. With the help of Manusher Jonno Foundation it arranged a program named **Justice System Education Initiative on Gender Equality Issues** on 8th December 2007 in the Democracy Auditorium at Khan Foundation.

Justice Mohammad Fazlul Karim, Judge, Appellate Division, Supreme Court of Bangladesh, attended the workshop as Chief Guest while Justice Mr M A Matin, Judge, Appellate Division, Supreme Court of Bangladesh graced the seminar as Special Guest. Guest Speakers included Justice Mr Mir Hasmat Ali, Judge, High Court Division Supreme Court of Bangladesh , Justice Mr Nazrul Islam Chowdhury, Judge, High Court Division, Supreme Court of Bangladesh, Mr Abdur Rezeque Khan Sr. Lawyer, Supreme Court of Bangladesh & Former Additional Attorney General, Dr Abdul Moyeen Khan, Former Minister, Mr. Shamsul A. Farooq, Treasurer, The Millennium University, Dr Zaidi Sattar, Vice Chancellor, The Millennium University. The workshop was chaired by Advocate Rokhsana Khondker, Executive Director of Khan Foundation. PPs, APPs, AGPs, Women lawyers, NGOs and Journalists also attended the workshop.

Advocate Rokhsana Khondker, Executive Director of Khan Foundation gave a welcome address and invited the guest speaker Mr Abdur Rezeque Khan to present the opening speech. Mr Abdur Rezeque Khan started by giving a clear picture of the judiciary system in the country. He emphasized that subordinate judiciary should be completely liberated from administrative interference. He drew out a scenario of the activities of Thana (Police Station) towards the victims. He suggested that judges, PP, APP and lawyers should change their mindsets and be completely aware of the consequences of the violence towards women. He focused on the lacking of some sections of CrPC which resulted in suffering of both men women. He was persistent about the need for the judges, PP, APP, Lawyers, Law enforcing agency to collaborate and ensure the gender equality in justice system.

His speech was followed by an open discussion among the participants from different districts of PPs, APPs, and Women Lawyers and the following recommendations were noted:

- Awareness program should be arranged in order to make women conscious of their individual rights, duties & responsibilities.
- PPs, APPs should be more understanding to the victims' problems and should not be partial under any circumstances.
- The laws on women violence and child repression should be amended as they are not always effective or appropriate.
- The age complicacy in different laws should be removed in order to achieve constancy.
- The government should ensure proper accommodation and adequate supply of books to PPs, APPs & lawyers.
- In serious cases of offence like rape, murder and divorce, compromising with the accused by negotiation for money should be prevented.

- Procrastination of the justice system is the main obstacle.
- Women should be liberated by giving proper education and encouraged to ensure their rights and hence be an equal part of the development process.
- The doctors (forensic medicine) and the members of law enforcing agency should be included in this program to make them aware and achieve the goal effectively.
- In the proceeding of “Rape” cases, victims should not refrain from mentioning the term rape as hiding the truth would alter the judgment.

After the open discussion special guest Justice M A Matin added that PPs, APPs and lawyers should have knowledge concerning the subject matters and be updated with the laws and statute to prevent sufferings of the victims. He said that PPs, APPs should take part in the awareness program by working as prosecutors and public representatives of the victims. This was followed by address by the Chief Guest Justice Mohammad Fazlul Karim. He highlighted the instances of inequality of women. He mentioned that in most cases discrimination originates from family feuds. Female and children are not equally treated by the family members usually by the female family members such as the mother in laws. However awareness through proper education can prevent these occurrences and it is of utmost importance. The role of PP, APP should be performed without procrastination and that they should not use political arms against any party of the suit. Democratic culture should be encouraged and practiced. He emphasized the urgency to introduce a private and sole investigation cell and to set up a well equipped independent prosecution cell. He reiterated that ensuring the rights of women can bring about fair justice and by providing fair justice it is possible to guarantee and promote gender equality.

This was followed by a working session among the participants. The working session was divided into two parts- group work and group work presentation. All the participants actively participated in this session. They made this session effective by giving their valuable opinions, suggestions and solutions.

All the participants were divided into three groups and each group was given a different subject that was to be discussed. The subjects were (i) Analyzing situation and laws on women and violence, (ii) Obtaining the views of women lawyers and the APPs/ PPs regarding the problems which they face at court; (iii) How to ensure gender equality and equality as humans, (iv) How to have a pro-active Approach towards gender equality and (v) How to get the right judgment by changing the stereotype judgments.

From the presentations, we received honest and valuable input. The participants clearly identified the offences that are targeted towards women such as Rape, Kidnapping, Trafficking, Acid throwing, Sexual harassment, Murder for dowry, Hurt or grievous hurt, Attempt to murder and Pregnancy that have resulted from rapes. They defined special causes for these types of violence which include ignorance of victims, ignorance and delay of investigating officers, lack of proper medical test, DNA test and problem getting medical certificate quickly, non cooperation of Thanas (police station), lack of awareness, inadequate legal system and flexibility of provisions of law etc.

Participants also presented the following problems which they face:

- Absence or failure to present the plaintiff before the court in due time.
- The number of the cases of Nari O Shishu Adalat in every district is too high and there are not enough judges.
- Delay in the investigation process and failure of proper presentation of the case before the court.

- Victim does not go to the doctor immediately and/or on time.
- Lack of adequate room facilities and law books for PPs/ APPs and lawyers.
- Sometimes inconsistent statement are made in the FIR and Proper statements are absent from FIR, case diary and police Report.

To ensure gender equality and human rights they expressed that the following steps should be taken –promote female education, ensure self confidence, amend family and religious laws, remove some inconsistency among the laws which are enforced i.e. laws relating to age of child. They believe that by enforcing the above the proactive approach towards gender equality can be taken.

To get effective/right judgment and to change the stereotype judgments following should be carried out:

- The Investigation Officer should complete his investigation within a very short time or within the due time.
- The signs or evidence of the case should be collected properly.
- A special doctor should be appointed for the medical treatment of the victims.
- Each court should be fixed for a special type of case.
- Impartial and expert lawyers should be appointed for prosecution and political appointment must be avoided.
- Adequate and qualified judges should be appointed for completing the proceedings.
- A rule may be created for appointing the expert lawyers as judges if it is necessary.
- A meeting among the judges and the prosecutors should be arranged at least once in every month for completing the proceeding quickly.
- All books and all records in civil case should be supplied by the government to the prosecutors.
- Step should be taken to appoint expert civil lawyers as judges for completing the civil proceeding quickly and properly.

The Program started with registration of the Participants.

INAUGURAL SESSION

ADVOCATE ROKHSANA KHONDKER

Executive Director

Khan Foundation

Advocate Rokhsana Khondker greeted all the guests & participants on behalf of Khan Foundation. She delivered her welcome address and highlighted the present condition of women and children in Bangladesh. She expressed how women are deprived of different facilities and opportunities and are the victims of oppression and violence. She expressed her frustration at the fact that women are not recognized for their contribution to society and other development works. She further said that laws on women violence and child oppression should be modified.

MR ABDUR REZEQUE KHAN

Sr. Lawyer, Supreme Court of Bangladesh &

Former Additional Attorney General

Guest Speaker Mr Abdur Rezeque Khan expressed that subordinate judiciary should be completely free from the clutches of administrative interference. He suggested that PPs/APPs can play an effective role inside and outside the court with their friendly attitude towards the victims. At Thanas women are ill treated and they are shown no sympathy and so the outlook of the PPs/APPs should be transparent and they should change their mindsets. The cases should be duly monitored. Before the submission of the cases to the judges, PPs should file everything transparently and in detail. Delayed recording of statement under section 161 of CrPC should be removed. If necessary, statement under section 164 of CrPC can be recorded. Evidence Act should always be in hand of PPs. Extension of police officers to the court should be terminated. The lawyers should carry out their responsibilities effectively.

OPEN DISCUSSION

Different PPs/APPs and women lawyers participated in the open discussion and they tried to identify the problems which they face in court and outside the court and the solutions to these problems.

MR KHAIRUZZAMAN

SPP- Bogra bar Association

Women should be aware of their rights, duties and responsibilities. Compromising with the accused in exchange of money through negotiation is a common picture in our society. Sometimes PPs favoring toward someone and/or a party is also seen.

MR LIAKOT ALI

APP- Rajbari

The government should ensure proper accommodation and sufficient supply of books for the PPs/APPs. Moreover, they are paid low addition court fees (only Tk.100/200). Thana, Doctors and middlemen/Brokers make it really difficult for the PPs to forward the cases for conviction. Particular Sub Inspector, Magistrate and Doctor should be assigned to deal with the cases on women violence. Owing to numerous steps of the judgment process, women repressed do not like to meet the judgment.

ADVOCATE SHAH ALAM

APP- Khulna Judge Court

Laws on women violence and child repression are not appropriate. Police investigations often become wrong and fake. So, the reports remain incomplete.

ADVOCATE AFROZA KHATUN

Women Lawyer-Meherpur

Some NGOs and village heads encourage compromising the issues by negotiation. Alimony is not duly given to the first wife.

ADVOCATE PARVIN

Special PP Narayangong

The age complicacy (below 13 / over 13) should be removed. In most rape cases, evidence is absent. 50% cases get damaged/ deformed evidence in thana. Due to financial crisis, DNA (in Parental identity crisis) test remains a far cry for the root level women.

ADVOCATE KANIZ FATIMA

AGP- Khulna

Sometimes, women get easily tempted. Often they do not live up to the their visions of marriage and are tortured by the husband and husband's family.

MR SIRAJUL ISLAM

SPP- Tangail

Age variation (16years/18 years) creates huge problems. The tougher the laws' regarding Violence against women, the misuse of the laws takes place. Often the victims give up hope of the abusers getting punishment and lose spirit.

ADVOCATE BEGUM SAMSUNNER

Women Lawyer-Sumamgonj

Procrastination of the justice system is the main obstacle.

MR BHUBANSWARE PURAKAYASTO

Additional PP, Moulavibazar

Sometimes a single incident results in two case filing.

MR AKHTER F CHOWDHURY

Special PP- Chittagong

People should be hesitant or uncomfortable to utter the word 'rape' as this can change the judgment.

MR SHAKWATULLAH TARA

PP-Sherpur

Women Repression Act states that if thana does not take the case, it can be filed at court. Victims (women's) should be aware of this.

MD ATA HAR HOSSAIN

Special PP-Gazipur

Security should be ensured for the PPs/APPs. In case of false marriage registration, Kazi Shahib can be accused.

MR SHAMSUL A FAROOQ

Treasurer

The Millennium University

Preventive measures are more important than legal aspects. Awareness through education should be launched. Efforts from every sphere of the society should be made.

DR ZAIDI SATTAR

Vice Chancellor

The Millennium University

Due to low participation of women, development cannot be achieved. Women should be encouraged to ensure their rights to be an equal part of the development process.

JUSTICE MR HASMAT ALI

Judge

High Court Division Supreme Court of Bangladesh

Liberation of the Women should be ensured. Equal education can be programmed.

JUSTICE MR NAZRUL ISLAM CHOWDHURY

High Court Division

Supreme Court of Bangladesh

Exchange of views between justice and PPs/ APPs should frequently occur. PPs / APPs should be friendly and sympathetic toward the victims to generate the feeling of true human relationship.

SPECIAL GUEST**JUSTICE MR M A MATIN**

Appellate Division

Supreme Court of Bangladesh

PPs/APPs should see the issues through the eyes of those who suffer. PPs can take initiatives to make drama, movies etc. to raise awareness. PPs/ APPs should not be ignorant and be updated about any alterations to any law.

CHIEF GUEST**JUSTICE MOHAMMAD FAZLUL KARIM**

Appellate Division

Supreme Court of Bangladesh

Mental and characteristic strength of the women are both very important. The rights of women should be respected. He expressed that it is alarming that although no judge gives verdict against women intentionally the ratio of discrimination is high. Even the female and children are not equally treated in the family. Home productive activities of women should be given due recognition. Procrastination by the PPs should not be allowed (witnesses do not attend the court rather they meet them at chambers). Acceleration should be made to find the signs of rape and other physical tortures. Proper screening of evidence should be made. Restoring the moral values through awareness should be ensured: Everyone (especially judges, PPs, APPs) should remain content with the present level of income as they have to take the responsibilities. Democratic culture should be encouraged strongly and practiced. Launching a private/sole investigation cell is a must. Well equipped and well set independent prosecution cell is necessary. Political leaders should shun their desire to show something special for women, to say, unnecessary amendment should not be made. Prosecution of law is important. Women are also human beings and they have rights to contribute the society.

DR ABDUL MOYEEN KHAN

Former Minister

Gender inequality is a social as well as global problem. This issue should be addressed properly and all unjust and illegal practices should be overthrown.

WORKING SESSION**Group Work**

All participants were divided into three groups such as Group 1, Group 2 and Group 3. Each group was given Particular subjects for discussion and group 1 discussed on two subjects named (i) Analyzing situation and laws on women and violence, (ii) Getting the views of women lawyers and the APPs/ PPs on the problems which they actually face while at court; Group 2 discussed on two subjects (i) How to ensure gender equality and equality as human right, (ii) How to have a pro-active Approach towards gender equality; and Group 3 discussed on subject (i) How to get effective judgment with the changing of stereotype judgment.

GROUP WORK PRESENTATION AND DISCUSSION

Each group discussed the subjects appointed and presented the findings before all the participants which are shown below:

GROUP 1

Subject: (i) Analyzing situation and laws on women and violence.
(ii) Obtaining the views of women lawyers and the APPs/ PFs regarding the problems which they face at court

On analyzing situation and laws on violence against women 12 members from the participants expressed that Rape, Kidnapping, Trafficking, Acid throwing, Sexual harassment, Murder for dowry, Hurt, Attempt to murder and Pregnancy that have resulted from rapes are very common in our society. On analyzing laws they said that in rape cases the proceedings are very complex- non co-operation of Thana specially the Investigating Officer, ignorance of victims and problem for collecting proper medical Certificate.

This group also found some special causes for offences. In case of Trafficking Lack of awareness and inadequate legal System; in the case of legitimating of a child, lack of proper method for DNA test which is very essential for giving identity of a child; in cases related to acid throwing, the laws for production, selling and buying acid at present are not strict and hence it is one of the main causes. They also emphasized that by making women about their rights and promoting relation between husband and wife, creating more employment opportunity and educating people can play a major role in elimination of these problems.

On discussing the second subject the members of Group 1 identified many reasons behind this which are as follows:

- Absence or failure to present the plaintiff before the court in due time.
- The number of the cases of Nari O Shishu Adalat in every district is too high are there are not enough judges.
- Sometimes accused try to influence or scare the victim.
- Sometimes powerful men of the locality create pressure on both the victim and the accused.

- Delay in the investigation process and failure to present the investigation report before the court.
- Victim does not go to the doctor timely.
- Lack of adequate room facilities and law books for PPs/ APPs and lawyers.
- Sometimes inconsistent statement are made in the FIR and Proper statements are absent from FIR, case diary and police Report.
- Report according to Sec 173 is not presented in the hands of the PP within due time.

GROUP 2

- Subject: (i) How to ensure gender equality and equality as human right.
(ii) How to have a pro-active Approach towards gender equality.

Group 2 consisted of 13 members. To ensure gender equality and human rights they expressed that the following steps should be taken -promote female education, ensure self confidence, amend family and religious laws, and remove some inconsistency among the laws which are enforced i.e. laws relating to age of child. They believe that by enforcing the above the proactive approach towards gender equality can be taken.

GROUP 3

Subject: How to get the right judgment by changing the stereotype judgments

This group consisted of 14 members and they discussed on the topic "How to get effective judgment with changing the stereotype judgment and found the followings -

- The Investigation Officer should complete his investigation within a very short time or due time.
- The plaintiff should be aware about his plaint or case.
- The signs or evidence of the case should be collected properly.
- A special doctor should be appointed for the medical treatment of the victims.
- Each court should be fixed for a special type of case.
- Impartial and expert lawyers should be appointed for prosecution and political appointment must be avoided.
- Signature of the accused must be taken in his testimony which is taken under sec 161 of CrPC.
- Adequate and qualified judges should be appointed for completing the proceedings.
- A rule may be created for appointing the expert lawyers as judges if it is necessary.
- Adequate and proper remuneration should be paid in proper time to the judges, PPs and APPs;
- It is necessary for a judge to think like a judge and evidence should be presented everyday till the proceeding is completed;
- A meeting among the judges and the prosecutors should be arranged at least once every month for completing the proceeding quickly.
- All books should be supplied by the government to the prosecutor.
- In a11 civil case all records should be supplied by the state or the government.
- Step should be taken to appoint expert civil lawyers as judge for completing the civil proceeding quickly and properly.

- Step should be taken to appoint expert lawyers as judicial magistrate.

CLOSING SESSION

ABDUR REZEQUE KHAN

Like other academic subjects, state management, court management can be offered in institutions to raise awareness and highlight the importance of these issues.

JUSTICE MR MIR HASMAT ALI

For the enlightening of women, education is highly required at every level of their life. KF is playing and will continue to play a big role in raising public awareness about women rights as well as human right. He also believes that the future generations exist in woman's survival. Representatives of police (i.e.-Investigating Officer) should be included in the workshop to get more practical and effective views.

CONCLUDING REMARKS

ADVOCATE ROKHSANA KHONDKER

Advocate Rokhsana Khondker thanked all the participants (The Justices, APPs, PPs and woman lawyers) for making this workshop a success. She expressed her hope that the PPs/ APPs will realize the pro-active approach towards human rights (not only about woman rights) and will carry forward the messages into practice and hence promote social and economic development.