Ain o Salish Kendra

Twenty years on the Frontline

Dina M. Siddiqi

ASK 20th Anniversary Commemorative Report
December 2006
Dedicated to the Memory of
Salma Sobhan
Who stood by ASK over the last twenty
years in
Keeping Promises, Defending Beliefs,
Protesting Injustices and Redressing
Inequalities

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Preface

It is both a pleasure and a privilege to write the preface to this Anniversary Report. The initial idea for an introspective report such as this originated over conversations about charting ASK’s evolution over two decades of its existence. We asked ourselves why we do what we do, and if there is in fact an “ASK way” of doing things. Our conversations ranged from what propels us to address critical issues with a particular ASK lens to how we calibrate our strategies when confronted with competing rights, interests and values. Is there a uniform understanding within the organisation of principles of dignity, rights and justice? Where, if any, have we made a significant change in the way citizens access justice? These informal conversations quickly turned into earnest brainstorming sessions where a keyboard was hard pressed to match the swift flow of memories. Soon we felt the need to systematically record the trajectory of this organisation that Salma Sobhan so aptly described as having evolved “organically”.

We are very grateful to Dr. Dina M. Siddiqi, a good friend of ASK, for having agreed to take on the task of writing this Report on the basis of our collective memories and records. This is a first attempt at recording our history. We are in the process of taking further our exercise of introspection both as an organisation and as individual actors who have contributed to the spirit, quality and outlook of ASK as a human rights organisation. It is hoped that in the not too distant future we will have a more extensive and nuanced reflection of this exercise. I would like to say a special thank you to Dr. Hameeda Hossain and Sara Hossain for helping to conceptualise and generate this Report. I also thank Khursheed Erfan Ahmed for taking the time to read the first draft and providing us important input. Sultana Kamal's continued interest provided important momentum in the run up to this Report and other events to commemorate ASK's 20th Anniversary. I would like to record my gratitude to Shaheen Akhter, Sayeed Ahmed and Qumrunnessa Nazly of ASK's Communication Unit and to Fahmida Zaman Rakhi of
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Thank you for your time and interest to read this Report which charts the journey of addressing human rights issues over a span of twenty years. We would be happy to receive comments or insights if you wish to share them with us.

We wish to thank all of ASK's partners, friends and co-defenders in human rights who have walked with us in the frontline over the last twenty years. We also thank our critics for helping us remain ever steadfast in our stand and our beliefs.

Dr. Faustina Pereira
Convenor
ASK 20th Anniversary Commemoration Committee

December 2006, Dhaka.
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<td>Asia Pacific Forum for Women, Law and Development</td>
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<td>BGMEA</td>
<td>Bangladesh Garment Manufacturers' and Employers' Association</td>
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<td>BLAST</td>
<td>Bangladesh Legal Aid and Services Trust</td>
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<td>BNPS</td>
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<td>CBO</td>
<td>Community Based Organization</td>
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<td>CEDAW</td>
<td>UN Convention on the Elimination of Discrimination Against Women</td>
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<td>Child Rights Unit</td>
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<td>Government of Bangladesh</td>
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<td>UN International Convention on Civil and Political Rights</td>
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<td>KMSS</td>
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<td>LGRD</td>
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<td>MNP</td>
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<td>MNS</td>
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<td>MSP</td>
<td>Manobodhikar Shongrokkhon Parishad</td>
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<tr>
<td>NGO</td>
<td>Non-Government Organization</td>
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<td>Popular Theatre Unit</td>
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<td>Rajdhani Unnayan Kortipokkho (Dhaka City Urban Planning Authority)</td>
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CHAPTER I
A in-o-Salish Kendra (ASK) is arguably the leading human rights and legal aid organization in Bangladesh. When it was established in 1986, there were only a handful of organizations working within an explicitly human rights framework. Twenty years on, the field has expanded vastly. A recent mapping listed at least 30 organizations working to further rights and social justice. ASK has been a pioneer in the sphere of human rights, and remains a leading actor in the field. It also plays a critical role in the women's movement. In this respect, ASK occupies an unusual place. Unlike most of its counterparts, which focus either on human rights or women's issues, ASK straddles both worlds. Indeed, it has been critical in bridging gaps and building alliances between the women's rights and human rights movements.

Over the years, ASK has also gained international recognition and respect. The organization holds consultative status with the United Nation's Economic and Social Council (ECOSOC). It is also associated with numerous international networks such as Women Living under Muslim Laws (WLUML), Asian Forum for Human Rights and Development (Forum-Asia), Migrants' Forum in Asia, South Asia Forum for Human Rights (SAFHR), the Asia Pacific Forum for Women, Law and Development (APWLD) and International Women's Rights Action Watch (IWRAW). This essay documents the institutional history of ASK and traces its trajectory over the last two decades.

Writing this essay has been a collaborative process. The author would like to thank Khursheed Erfan Ahmed, Shahin Akhter, Sanaiya Ansari, Salma Choudhury Shilpi, Hameeda Hossain, Sara Hossain, Sayeed Ahmed, Sultana Kamal, Nur Khan Liton, David Ludden, Mariam Apa, A T Morshed Alam, Faustina Pereira, Justice Golam Rabbani, Zafreen Sattar, Justice K. M. Sobhan, Qumrunnesa Nazly, Tipu Sultan, Fahmida Zaman Rakhi, and all the units for their assistance. Special thanks to Hameeda Hossain and Sara Hossain for their close readings of the draft. Their suggestions and insights are incorporated throughout the text.

2. These included the Coordinating Council for Human Rights in Bangladesh (CCHRB), Bangladesh Society for the Enforcement of Human Rights (BSEHR) and Bangladesh Human Rights Council (BHRC).

3. Notably, much of the recent rush to using a rights based framework in the development arena derives directly from donor interest.

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Origins

The original idea behind ASK germinated in the mid-1980s. Most of the nine founding members had been actively concerned with human rights. Some had played an active role in political movements for democracy while others were involved with people's development and social work. Hameeda Hossain and Salma Sobhan had returned from Oxford in 1982, from a prolonged political exile forced by the assassinations in 1975. The two shared a history of activism - social, political, and feminist - and a commitment to transformative politics. The conditions of exile also induced them to reexamine conventional ideas of democracy. Hameeda Hossain's experience with self-employed artisans and women victims of war had sensitized her to their subordination within the community and family. Salma Sobhan had taught law in the University of Dhaka and wanted to engage more actively with people's organizations. On her return to Dhaka, she gave leadership to BRAC's legal literacy programme for village women. It was through her that Fazle Hasan Abed, the founder of BRAC, became interested in legal aid for the poor. Taherunnessa Abdullah and Hameeda Hossain had known each other since 1972, when the former was a director in the National Board for Rehabilitation of Women. They had also served for several years on the Board of Banchte Shekha, a leading women's organization in Jessore. Barrister Amirul Islam, as an active member of the bar, had defended civil and political rights in court. Advocate Aminul Huque, who later became the Attorney General, had shown remarkable courage in defending human rights against police impunity. Justice (retd) KM Sobhan, as a former judge of the apex court and the first director of the National Board of Women's Rehabilitation, knew both Amirul Islam and Taherunnessa Abdullah. Khursheed Erfan Ahmed, an educationist and psychologist by training, and with long years of social work in Dhaka's slums, was an innovator in preparing human rights education modules. Abdul Khaleque, a former Inspector General of Police, had later trained as a lawyer. In short, the founding members individually had accomplished professional trajectories; each of them had engaged through and beyond these with the struggle for democracy and human rights. Most had also been directly or indirectly involved with the Liberation War of 1971. It was their understanding that formal democratic spaces had to open up to struggles not only for advancing civil and political rights but also for addressing social and economic inequities and gendered disputes.

Founding members saw negotiation or mediation as the preferred mode for

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5. Hameeda Hossain was a historian by training, while Salma Sobhan had a legal background.
6. Later, after the fall of Ershad and the restoration of democracy in 1990, he led the prosecution of General HM Ershad for illegal seizure of power and corruption.
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Dispute resolution, so as to avoid the inevitable adversarial outcomes of the formal judicial system. Amirul Islam thought of the name Ain o Salish Kendra, which translates into the Law and Mediation Center. At the same time, it was clear that not all instances of injustice or discrimination could be resolved through mediation; as ASK lawyers confronted systemic inequality and violations of human rights, it became necessary to take recourse to the courts. Gradually, as ASK witnessed institutionalized violations of peoples' rights, such as the demolition of slums, violence against minorities, and the absence of maintenance in divorce cases, it became involved in defending a whole range of rights, from civil and political rights to social, economic and cultural rights. Its vision of democracy rested on individual freedom, social justice and gender equality.

The organization was created and initially run on a voluntary basis. Founder members donated material resources when necessary. Those who were lawyers volunteered two hours of their time each day. Salma Sobhan had been a popular teacher at Dhaka University’s Law Department. Several of her students who had graduated into practice were inspired by her to volunteer their time and energy to ASK’s work. Khurshid Alam, Adilur Rahman Khan, Tahmina Rahman, Afsana...
Wahab, Naheen Roxana Khan were amongst the first to join ASK as general members.

ASK's first office was a modest affair. Dr. Khan Sarwar Murshid and Nurjahan Murshid, active in intellectual and cultural circles, made available two empty rooms over the garage of their Dhanmondi residence. The second hand furnishings in the makeshift office were borrowed from other members. Every morning, a group of lawyers would gather at the cramped quarters and wait for prospective clients to appear. After some time, the office shifted to a larger flat behind Jonaki Cinema Hall, on the Inner Circular Road. Barrister Amirul Islam subsidized the rent for a year, until the organization achieved some degree of financial stability. Several years later, ASK moved again, this time into much larger premises across the road, with two separate buildings to its name.

By 1986, ASK had been formally registered with Bangladesh's Bureau of NGO Affairs. Its formal mission was to protect citizens' rights by providing free legal aid to indigent people. The organization did not have institutional funding at this time.

ASK's basic mission, the realization of the rights of marginalized citizens, has held consistent over the years, although the scope and breadth of its work has expanded greatly. Initially, the organization had one primary objective - to provide legal assistance to disempowered groups, especially poor women, children and workers.

In this respect, ASK was treading into uncharted territory. It was not that campaigns for greater awareness of legal rights did not exist. A few groups such as Madaripur Legal Aid Association (MLAA) had been engaged in helping people to access legal remedies through legal aid for quite some time. ASK's innovation was to introduce legal clinics in slums where clients were brought by field workers. The latter also kept in touch with clients as part of a follow up process (see next section for details). Founder members recall an initial period when having set up an office, complete with eminent lawyers offering their services on a pro bono basis, they discovered they had no clients. No one knew of them and no one came to them for assistance. The people they wanted to work with simply didn't come forward to seek assistance. Those who turned to the law were from the affluent and educated classes and did not require pro bono services. This state of affairs was only partly the result of inexperience. An initial period of disappointment led to the realization that free legal aid was a largely unknown category of service in Dhaka. In the circumstances, ASK found few demands for help.

It was at this juncture that interactions with members of Bangladesh Nari Progoti...
Sangha (BNPS) proved to be critical. As it turned out, ASK was housed in the same building as BNPS, an NGO that combined credit with education and group formation for women in Dhaka slums. At one point, its director, Rokeya Kabir, requested ASK for legal help in a minor dispute. Through this the two organizations became familiar with each other's areas of work and began to consider the possibility of collaboration. Realizing that demand for legal aid could only be raised if people knew of their rights, ASK began to visit BNPS offices in Goran and Shabujbagh to talk to members and staff about women's rights within the family. At the same time, efforts were made to make women conscious of gender inequality in laws themselves.

Initial disappointment led to a reassessment in methodology and approach. ASK began outreach and advocacy work at this point. ASK began to tap into the impressive associational networks of other women's groups working in the burgeoning slums of Dhaka city. These groups included *Nari Shakti, Mahila Parishad, Kormojibi Mohila Samabay Samiti* (KMSS) and *Ekota*. ASK members began to visit women slum dwellers, with the aim of informing them of their legal rights, and explaining how they could get access to legal help. In time, ASK built a reputation of its own in the slums; through word of mouth and
personal recommendations, increasingly, clients began to come to the ASK office seeking legal aid. The nature of ASK's work expanded more or less organically as it became increasingly clear that the women workers' 'private' concerns could not be disentangled easily from their 'public' struggles in the employment arena. This led to the inception of ASK's work on domestic violence. The objective went much beyond raising awareness and the providing knowledge, because the aim was to provide citizens with tools and access to resources that they themselves could utilize within the legal system to realize and protect their rights.

Khursheed Erfan Ahmed used her educational background and knowledge in pedagogic research to prepare modules on women's rights and violence against women with assistance from newly recruited staff, including Ila Chanda, Roushan Jahan Parveen and Dilwara Begum. Her expertise and perspective as a 'non-lawyer' in what was then a purely legal aid organization, and her insistence on stressing a holistic approach, helped to expand the organization's understanding of human rights and to enhance the scope of services offered. Although its ideology and philosophy have not changed, ASK's approach continues to be flexible and open.

Annual Staff retreat.
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Vision/Philosophy

It was no surprise that ASK emerged as a human rights organization in the 1980’s, a period of severe political turmoil and civil unrest in Bangladesh. Military rule under General H. M. Ershad had thrown into sharp relief questions of civil liberty and democracy. The atmosphere was charged and many citizens outside political parties were drawn by circumstances into political activism. The anti-Ershad movement profoundly shaped the outlook and long-term aspirations of those involved in it. Within this larger political movement, questions of human rights were bound to surface. As the struggle to restore democratic politics unfolded, so did debates about the future and over what exactly constituted a democratic polity.

For those associated with ASK, their involvement in the political struggles of the day invariably led to a heightened sense of urgency about human rights issues. In this context, ASK members were clear about their vision. The group came together with a specific set of objectives. They had no intention of reproducing conventional modes of democracy and human rights organizing. Their immersion in the pro-democracy movement had underlined for them the critical importance of establishing formal structures of democracy. However, they were
also aware that most struggles for political justice ended up producing primarily cosmetic changes. ASK members understood that it was not enough to bring about 'regime change' in which shifts in political personnel acted as a surrogate for substantive changes in political structure or in broader structures of power.

“We had joined in democratic processions, carried out demonstrations/meetings on the street. We knew that the military regime would eventually be gone. But citizens would not win rights that easily. The government can never let go its martial shades. It's not just governments, either. Dominant groups in society are invested in suppressing the weak and vulnerable; this happens at the level of the family and community, not just the state.”

Thus, in these early years, ASK founders did not envision the establishment of formal democracy as an end in itself. Their aspirations were more complex, for they viewed procedural democracy as a means to an end. The objective was to create a different kind of working democracy. ASK was committed to working toward making democracy in Bangladesh work as a system of meaningful governance by citizens and for citizens.

In other words, from the outset ASK members saw the categorical distinction between formal and substantive democracy to be at the core of their mission. Long before human rights discourse was mainstreamed and made fashionable in development circles, ASK members realized the critical linkages between a thriving democracy and a regime of actualized human rights. This vision of democracy resonates deeply with Amartya Sen's conceptualization of democracy as freedom. His emphasis on substantive freedoms and the development of capacities and institutions of rule making that enable people to participate meaningfully in the governance of their own lives and societies is very much in line with the idea of a working democracy envisioned by ASK.

7. Interview, Hameeda Hossain.
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Constructing Democratic Spaces

Writing the history of ASK necessitates revisiting key moments in the political and social history of Bangladesh, including the struggle for women's rights in the last two decades. The very nature of ASK's objectives implicates it in larger political and social movements of the time. This is not to suggest that ASK has been the sole driving force behind the human rights or feminist movements in the country. On the contrary, its strategies of collaboration and cooperation, especially within the women's movement, have played a critical role in the success of its programs and interventions.

The terms “democracy” and “human rights” have been scrutinized and re-conceptualized in some detail in recent years. The human rights framework has expanded greatly to include human security and collective as well as individual rights. ASK's origins in the pro-democracy movement could have predisposed it to stress civil and political rights at the expense of other rights. The issues the organization came to address, especially through their interaction with survivors of rights violations (slum eviction, domestic violence, and workers' abuse in addition to more conventional issues of political and civil rights) attest to a much broader understanding of human rights, one that encompasses economic,
cultural and social rights. This is not surprising, given the objective of establishing a meaningful democracy mentioned earlier. However, as will be clear from the narrative that follows, ASK did not necessarily choose the issues it confronted. Many problems, such as slum eviction, “found” ASK.

It is commonplace today to note that civil society organizations are critical to the creation of democratic spaces. Ideally, civil society should be the site for the production of critical discourse, and possess the potential to interrogate the state. ASK members today see the organization as inhabiting this space of critical discourse. In this respect, ASK has come full circle in its twenty years of existence. The organization came of age, so to speak, at a time of political turmoil and helped to expand the space of human rights work in the emerging democracy of Bangladesh in the post-military era. In the political environment of contemporary Bangladesh, in which democratic freedoms are increasingly suppressed and spaces of dissent are under threat, ASK sees itself as playing a critical role in maintaining democratic spaces.

These are lofty visions indeed. How far has ASK been able to live up to these principles? To what extent has it been able to give voice to the excluded and create a genuine democratic space? How far has ASK been able to maintain a non-partisan approach to human rights in an environment steeped in violently partisan politics? What are the gaps, if any, between ASK's principles and their practices on the ground, including in their institutional structure and organizational culture? What strategies of resistance have worked and what challenges remain? Equally critical, how has ASK grappled with the limits of the law as a site of social change and activism? In the case of women's rights in particular, activists in postcolonial states turn to formal state legislation to bring about social change but may find such changes are not automatically acceptable within the community. How has ASK negotiated with the thorny issues of culture and religion versus rights, especially in the context of rising religious extremism and violence? That is, what kind of organizational strategies are deployed when feminist and human rights principles collide with local normative understandings of justice?

The remainder of this report analyzes ASK's journey over the last 20 years with these and other questions in mind. The analysis draws on interviews with ASK personnel, former and current, and members of civil society as well as on a review of ASK publications and other material related to the organization.

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10. Every individual, at all levels of administration whom I came across in the course of research for this report was extremely generous with her/his time and open to sharing their experiences and insights with me. I found this to be an excellent indicator of the generally democratic and open approach of the organization.
The first section charts the evolution of key units within ASK. The objective is not to offer an exhaustive survey of every unit but to highlight the organization's dynamic trajectory, and especially its responses to challenges and needs that have emerged at different points in time. The second section contains four case studies that provide a detailed look at how ASK works on the ground. The remaining sections offer a critical analysis of ASK activities, strategies of resistance and challenges, including those that arise with greater institutionalization (such as the transition from activism to professionalization that many movements face).
CHAPTER II
A SK's work has expanded in multiple directions in the last two decades. From a single legal aid unit, ASK now has 15 separate units, divided into five clusters, through which it runs its programs. This section highlights the unfolding scope of ASK activities. Along with creating awareness of rights and the provision of legal aid, its programs seek to promote community activism, access to justice, accountability and good governance. ASK now takes up public interest litigation in defense of human rights. It also has a significant research and publications program. ASK has a panel of 8 lawyers in private practice who provide pro bono services on request. Indeed, a key reason for ASK's success is the presence of its panel lawyers in the Supreme Court. The latter enjoy the respect of the Court and are able to monitor and report on Court proceedings. In addition, ASK's ability to leverage senior lawyers to appear on its behalf is a great asset.

In the early years, everyone - lawyers and non-lawyers alike - carried out multiple tasks. These included documenting cases of human rights violations reported in newspapers, which was useful for field investigations, as well as litigation and advocacy. There simply weren't enough volunteer members for a proper division of labor. In 1989, as demands on its support services increased, ASK took on paid staff, lawyers, social workers, investigators and even writers. To finance its work, ASK decided to take on paid consultancies; the Ford Foundation funded the first report on violence in slums. These funds enabled the organization to pay for logistics, while insights gained during the research allowed members to engage more seriously with slum residents.

Over the years, ASK's voice gained credibility nationally and internationally. In the words of an old time staffer, the commitment and devotion of its staff, a sense of "positive obligation" helped to build up the institution.

11. This section draws on responses to a questionnaire distributed to ASK units, and conversations with individuals within each unit.

12. I would like to thank Sara Hossain for bringing this point to my attention.

13. The chores included making tea and washing up afterwards.

14. Members of the Rapid Response and Mediation Unit, from questionnaire.
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Monitoring and Investigating Rights Violations

From advocacy for law reform and tracking the implementation of laws to pursuing Public Interest Litigation, ASK units have relied heavily on its investigation reports, particularly in cases of systemic violations. With the expansion of ASK's organizational structure and its units, the investigation unit took on many more cases. As the parameters of ASK's work expanded, so did the need for an efficient and reliable system of investigation. Ad hoc arrangements for investigation were finally institutionalized in May 1994 when the Investigation Unit was set up formally.

The establishment of this unit also arose from a desire to obtain an integrated picture of the human rights situation across the country; on site investigation was also essential for intervention and advocacy. Before there was an institutionalized procedure in place, the founder members, along with younger members/staff, would jointly embark on investigations of reported human rights violations. Sometime in 1990 Barrister Amirul Islam became the convenor for an investigation into violations by law enforcement agencies during the last years of General's Ershad's regime, which led to the publication entitled Lawless Law Enforcement. It is worth noting here that the booklet was not published as an official ASK document, a move designed to preempt a potential backlash. It is
ironic, that the phrase “lawless law enforcement” continues to be an apt
description of extra judicial killings by state agencies even 15 years later.

The Investigation Unit carries out two basic kinds tasks. The first is to investigate
in detail violations of the law or of human rights as reported in the media; the
second constitutes a follow-up of cases handled by the Litigation Unit. Initially,
many of those involved in formal investigations did not possess the requisite
knowledge, skills or experience that such inquiries require. However, a high
level of mutual cooperation, understanding and commitment overcame such
barriers and the younger members/staff were sent off to learn from other
organizations or to attend courses.

As with other ASK units, the Investigation Unit's work can sometimes traverse
international boundaries. For instance, in 1996, after receiving information from
a confidential source on the condition of migrant workers to Malaysia, the unit
began to interview returnees in order to ascertain conditions in the workplace and
to compile testimonies on conditions in detention centres. The unit collected a
number of case studies and assisted with the repatriation of workers.
Subsequently, a Malaysia based migrant rights organization, Tenaganita, sought
ASK's assistance after its Director was charged by the government with violating
a press ordinance by publishing reports on the condition of migrant workers in
detention camps. ASK was able to provide assistance by securing witnesses and
recording witnesses’ affidavits. The organization also sent ASK member and panel lawyer Advocate Nizamul Haq Nasim to observe the trial.

Along with gathering evidence, Investigation Unit members aim at increasing knowledge of human rights among professionals, community leaders and local government representatives. Early on, unit members also began to impart training on investigation methodologies at the local level in order to produce a qualified cadre of field investigators. They were often the first (sympathetic) figures to interact with victims and their families. Not surprisingly, they found themselves having to provide counseling and moral support. At times, in order to exert pressure on an intransigent administration or to create popular support, they found themselves holding press conferences, and engaging in lobbying and advocacy. The unit's activities - whether it is visiting police stations, hospitals and courts, launching campaigns or sustaining interaction with survivors, all have the effect of highlighting human rights issues. Unit members strongly believe that in the struggle to promote and protect human rights, it is imperative to have a strong investigative base. The Investigation unit has collected critical information on sensitive topics over the years, ranging from human rights violations by religious militants \(^\text{15}\) and tracking the slow but steady emergence of violent religious extremists, to atrocities by security forces including the Rapid Action Battalion.

**Providing Legal Aid**

The Legal Aid Unit provides redress for victims through free legal aid and aims to strengthen the enforcement of rights through increasing the awareness of laws and rights. While ASK programs always involved the provision of legal aid, it was only in 1992 that separate legal aid unit was established. This unit provided both legal aid and mediation services, including counseling, advice and access to social support services. An expansion of activities and increase in workloads led to the division of the Legal Aid unit into two parts in 2002: the Rapid Response and Mediation Unit (RRMU) and the Litigation Unit. Women constitute the bulk of legal aid clients, who come primarily with family disputes concerning desertion, divorce, maintenance and custody or violence-related issues. Criminal cases involving rape, murder and violence, as well as cases involving the infringement of fundamental rights, are automatically channeled to the Litigation Unit. The Unit is staffed by 7 lawyers, who are assisted by a panel of three external lawyers who specialize in human rights cases heard before the High Court and one lawyer with expertise in labor law.

ASK's field clinics began as a result of a research project on the need for legal aid

\(^{15}\)Sara Hossain's observation.
services in two of Dhaka's slum areas. The first two clinics were opened in 1991 in the offices of KMSS and BNPS. Before it divided up in two, the Legal Aid unit provided services daily at the ASK office and weekly at four field clinics located in the offices of partner NGOs in greater Dhaka (Karmajibi Mahila Samabay Samiti in Mirpur; Bangladesh Nari Progati Sangha in Sabujbagh; Ekota in Kotwali; and Nari Moitree in Goran). Lawyers visited the field clinics once a week and field staff maintained regular contact with clinic clients. This model of communication continues today.

Over the years, the Litigation Unit's success rate has increased considerably. The Unit attributes this to the introduction of Alternative Dispute Resolution as an option in the Family Court, where the majority of Litigation Unit cases are heard. It is important to note that labor disputes constitute the most significant category of cases after family disputes.

It should be noted, however, that the Legal Aid unit has shifted in its relative significance within ASK and with respect to its scope of operations over the last two decades. In the early years, the unit formed the center or core of all activities. Today, although it remains a critical component, the unit's centrality to ASK's identity appears to have been displaced somewhat. Moreover, it is instructive that counseling advice and mediation have emerged as strong skills that are increasingly valued for their effectiveness and demand. Among other things, the development of the unit indicates the limits of conceptualizing legal aid in the narrow conventional sense (of court cases and lawyers). By the same token, it appears that legal aid organizations such as ASK are critical in filling the numerous deficiencies and gaps of the existing judicial system. This point requires further exploration.

**Legal Clinics**

Established in 1998, the Outreach Unit works in collaboration with Bangladesh's largest NGO, Bangladesh Rural Advancement Committee (BRAC) on a joint legal aid program. This was initiated in 1997 at the request of BRAC, which wanted to expand its Human Rights and Legal Education program to include the provision of legal aid. The demand had been voiced by BRAC's village women members who had attended courses on legal awareness, started by Salma Sobhan. BRAC's aim was to draw on the technical expertise and experience of ASK lawyers to help set up free Legal Aid Clinics in its work areas. Initially, these clinics were open to BRAC group members only. Since 1999, any

16. She was assisted by two other ASK members Roushan Jahan Parveen and Dilruba Shahana.
17. The HELP Programme was conceived and supervised by Khursheed Erfan Ahmed, who also prepared learning materials, which were later published under the title of *My World*. The CRU educationists received training in learning methodology from Gono Shahajyo Shangstha, under the leadership of Shamse ara Hasan.
individual can avail the services of these free clinics. ASK lawyers helped to train BRAC personnel as paralegals to run the Legal Aid Clinics. This training has helped them to identify human rights violations and has provided them with basic legal knowledge. The components of the training include fact finding techniques and proficiency in a range of practical matters such as efficient filing methods. Staff lawyers of the Outreach Unit visit these legal aid clinics on a regular basis in order to monitor activities, examine case files and offer suggestions. In addition, the outreach staff selects a panel of lawyers in the district and sensitizes them to women's rights so that they can carry out effective prosecution of criminal cases.

The legal aid program also stresses using mediation or *shalish* to resolve disputes, thereby taking some of the burden away from the formal judicial system. The program also provides short term shelter and medical services when necessary. It is involved in advocacy and lobbying with law enforcement officials and local elected bodies.

Client workshops held periodically are a critical and outstanding feature of the program. The vast majority of clients are women; many come for assistance to recover dower or maintenance costs, either through mediation or from family courts. By definition, they are poor and outside the circle of power. The
workshops are designed to enable men and women to follow the progress of their cases and to understand the reasons behind delays and postponements. These workshops are especially valuable because they decrease clients' (understandable) frustration and sense of vulnerability and enhance confidence and motivation by demystifying the legal system for those outside the orbit of power. The existence of these workshops indicates that ASK takes its role to be more than that of a service provider. ASK encourages the active participation and understanding of those it seeks to assist.

This collaborative venture provides an excellent example of the potentially replicable and sustainable nature of ASK interventions on a much larger scale. ASK's success in transmitting its expertise and proficiency is evident from the fact that as of December 2004, BRAC staff have been able to take over from ASK lawyers in most of its current work sites. ASK is still active in 11 districts in Rajshahi division. The holistic nature of this program seems to provide an alternative space for disempowered groups, hence its effectiveness.

**Mediation and Dispute Resolution**

The Rapid Response and Mediation Unit negotiates settlements through mediation and negotiation; it offers legal advice and rapid responses to rights violations that come to it. Most complaints revolve around domestic or familial disputes and violence against women. The unit also helps women recover dower and maintenance costs. Its rapid response to rights violations brought to it or gathered from the media takes the shape of intervention in police stations and magistrates' quarters or through media campaigns.

Similar to other organizations in the field, ASK emphasizes the use of *shalish* and mediation as preferred forms of dispute resolution in matters that fall outside criminal jurisdiction. As its name suggest, in contrast to the formal courts, the Rapid Response and Mediation Unit also tries to resolve disputes as quickly as possible. The RRMU provides an alternative in urban areas to the formal legal system, which is infamous for being expensive, time consuming, corrupt and bureaucratic in nature. Moreover, the system is especially harsh and discriminatory toward women. Since women often do not have marital documents and litigation is a lengthy process, mediation tends to be the more feasible option. The unit prides itself on treating clients with respect and dignity. Thus, the MRRU provides a safe and familiar space for women who might not otherwise have been able to gather the emotional and psychological resources to seek help for themselves. With a gradual build up of client trust, the number of clients has increased steadily. ASK's reputation in this sphere has grown primarily through informal networks and word of mouth.
According to unit members, their activities are effective because of the single-mindedness and commitment of the staff. As with other units, a primary obstacle to their activities arises from the lack of cooperation they face from local government officials and administrators. There are occasions when the field staff faces opposition from local powerbrokers. Serving legal notices can also be risky business, with field workers facing beatings, or being kicked out of people's houses. See Box 1.

Box 1

Ayesha Islam accompanied a client to Brahmonbaria in order to retrieve the latter's belongings. Earlier, all parties to the conflict had agreed to this arrangement during a *shalish*. On reaching their destination, Ayesha discovered that the defendant was a well-known thug with criminal ties in the locality. Rather than returning the client's possessions, the defendant and his three brothers launched into a vicious verbal tirade. They appeared to be on the verge of physical assault when their father appeared on the scene. Ayesha Islam and her client took this opportunity to flee to safety without retrieving the belongings.
Along with mediation services, RRMU provides access to medical help and to shelters. Members of the unit regularly write about legal matters, such as the limits of existing laws, remedies and legal reform, in newspapers and magazines; they also participate in various public fora, workshops and seminars. Although the unit was set up to cater to poor women, in the last few years increasing numbers of relatively more affluent women have begun to approach ASK for assistance in domestic disputes. Although many of the latter group can afford the services of a private lawyer, ASK's reputation of handling matters with sensitivity, confidentiality and respect appears to have drawn many more women in. In fact, few similar services exist anywhere else. The RRMU's strategies have had to shift somewhat in response to the heightened need for privacy and confidentiality among its new bourgeois clientele. On a related theme, ASK has broken barriers by providing services in the field of counseling and psycho-social help, a first in the country. This component was added in 2000. Institutionalizing counseling services has had the effect of breaking some of the taboos associated with it.

Investigation unit member listening to a survivor's story.
The Rights of Children

The Child Rights Unit at ASK was set up in 1990, in order to meet the needs of working children who are perhaps least able to articulate and voice their concerns, and to resist violations of their rights. The CRU provides health, education and legal help to children. The evolution of the unit shows clearly the multiple levels at which ASK operates and the relationship between its research and intervention programs. Concrete focus on the rights of working children emerged after an internal study, “Where Children are Adults,” was published. Around the same time, several ASK lawyers befriended child laborers and wrote up their stories in the form of case studies. ASK activities began to focus on children working in especially hazardous professions.

The CRU at ASK has also been a critical player in the field of policy making. At the time of the controversial Harkin Bill, passed by the US Congress in 1993, which banned the import of garments produced by child labor in Bangladeshi factories, ASK members ensured their voice and experience registered in the national arena. They did so through advocacy and lobbying with the government and the BGMEA and by writing newspaper articles.

While ASK was against the use of child labor, it was quite aware that given the policy making framework and the global situation, children laid off from work would hardly benefit from a mere ban on child labor. In fact, as some garment factories laid off their child workers to placate sentiments of US consumers, ASK undertook a small study which found that on losing their income the children’s families were worse off financially and schooling was not a feasible alternative. ASK therefore campaigned for health and education support for working children. The success of this strategy was reflected in the Memorandum of Understanding subsequently signed by UNICEF, GOB and BGMEA. This is an important example of ASK’s advocacy and lobbying activities at the national and international level. ASK played a critical role in mediating between ground level national realities and international interests as reflected in the concerns of the AFL-CIO and authors of the Harkin Bill.

Subsequently, the Child Rights Unit set up a flexible learning facility which came to be known as “Jokhon Tokhon Schools.” Through a composite programme of Health, Education, Legal Protection (HELP), child workers enrolled in the Jokhon Tokhon Drop-in Centres were insured for health care at the Dhaka Community Hospital, and received legal help and advice in case of disputes with employers, parents or police. A three tiered learning system at the Drop-in Centres provides basic education in literacy and numeracy, general knowledge education, and art, music and writing.

The work of the CRU is facilitated by constant dialogue with parents, employers, teachers and professionals. In coordination with the legal aid and investigation units, the CRU helps children to turn to the law in case of rights violations. The unit is so well-regarded by now that government officials at vagrant homes routinely turn to ASK to help restore ‘floating’ children to their parents and original place of residence.

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The unit has been remarkably creative and non-conventional in its approach to improving the lives of working children. In the beginning, CRU members would
seek out children from their workplace or homes. ASK would occasionally rent venues for carrying out workshops for the children, mainly on general education and rights awareness. Street children, tempo helpers, flower sellers, domestic helpers, child street hawkers and the like now flock to the center.

The Drop-in Centres are open nine to five on working days. They are a place where children can drop by at their convenience, to spend as much time as they are able to steal away from their daily work. It is the one place where these hard working children have an opportunity to enjoy the pleasures of being their age rather than acting as mini-adults. The Center offers recreation, including painting facilities, special educational facilities and the opportunity to get some rest. In a safe and supportive environment, children are encouraged to voice their opinions, to write and draw about their lives and concerns. Six Drop-in Centres in the greater Dhaka region have acted as models for a government sponsored program for working children known as ARISE.

The CRU has faced resistance at many levels. Initially, few people wanted to lend their premises for the establishment of Drop-in Centers. The community in general was hesitant to offer support. The parents themselves were not eager to
send their children. The attendance of girl children was especially low at first. Many people were especially concerned about possible kidnapping rings and trafficking of children. Recruiting tempo helpers was particularly difficult because tempo owners threatened and intimidated their child employees. The police too played a negative role in the beginning. Other problems included the unavailability or inability of employers and parents to attend workshops. Parents were not eager to have their children attend workshops on reproductive rights or child rights.

The CRU overcame much of this resistance by canvassing door to door, encouraging more parents and employers to visit their Drop-in Centers, increasing their awareness and maintaining open lines of communication with law enforcement authorities. The unit has also been able to change the mindset of the community by sharing the outcome of their work. CRU members feel it is debatable whether the challenges they face are due to internal failings or the existing socio-economic framework. For instance, despite a lot of work, child marriages persist, even though they have decreased in ASK work areas. Plus, many children drop out of the program, despite the efforts of the CRU.
Community Activism

The Gender and Social Justice Program (GSJP) was launched in 1996 as part of an effort to expand ASK’s activities at the grassroots level. ASK began its work in the urban sector in Dhaka but soon realized that the scope of human rights violations was much larger, extending to the most remote parts of the country. As the organization understood it, a major factor behind entrenched discrimination and oppression, especially of women, lay in the structure of the existing legal framework. In some cases, the laws themselves were discriminatory; in other instances, implementation was faulty or lax. Moreover, a lopsided judicial system meant that intervention by socially powerful forces many times produced judgments that undermined women's interests.

The GSJP addresses gender inequality at all levels of the family, community and state. A critical aspect of the program is that it involves both men and women in the struggle to establish gender justice. The unit focuses on mobilizing and developing community activism and on raising awareness of gender and social justice issues. It is instrumental in developing and sustaining various community based organizations that promote and protect human rights. Notably, this is another ASK program that emerged in direct response to demand. Village women...
who had attended ASK’s awareness programmes began to question the utility of knowledge acquisition if basic structures of power and the ability to have one’s voice heard remained unchanged. They saw that increased awareness of women’s rights was minimally useful if socially dominant village mediators continued to make all the decisions in *shalish* proceedings. This compelled ASK to think about the importance of direct engagement with decision makers, *shalishkars*, and government officials. Discussions of the training group with Salma Sobhan developed the social and gender justice program. ASK’s current Executive Director, Sultana Kamal was requested to be the adviser to the GSJP when it started. She went on tours with the field staff, speaking to Union Parishad members and other elected officials. Her eloquence and persuasive style facilitated the initiation of the new program.

The unit conducted a baseline survey, and held workshops at the union level, after which it formed *Ain Shohayota Committees* (ASC) [Legal Assistance Committees] at the local level. Separate workshops were also held with UP chairs and members and other social elites; in addition, advocacy meetings with the administration took place. The primary object of the GSJP is the *shalish* or village level adjudication process to which the majority of the rural populace turns for settling disputes. The traditional *shalish*, run by village elders and local elites, is heavily weighted against women and the poor. GSJP activities are
designed to promote more egalitarian *shalish* rulings and increase the participation of women in *shalish* proceedings. More formally speaking, the GSJP ensures that *shalish* procedures and rulings in its working areas are in conformity with the national legal framework. The GSJ unit helps to organize *Manobodhikar Sangrakkhan Parishad* (MSP) [Human Rights Protection Committees] and *Manabodhikar Nari Samaj* (MNS) [Women's Human Rights Society], groups which operate at the union level in a watchdog capacity. These community based organizations monitor incidents of domestic violence, of *fatwa* instigated violence, child marriages and custodial violence among other things.

Rather than running its own *shalish*, the GSJP encourages incorporation of trained non-elite into local *shalish* proceedings. This is a long-term strategy for structural change, one that strikes at the heart of local authority structures. Indeed the question of authority - of how to acquire the acceptability to represent the 'modified' *shalish* to the local community is at the heart of debates over restructuring the *shalish*. There are several NGOs working in the field and two broad approaches can be identified. One approach is to organize local/alternative *shalish* committees that are trained to carry out their own hearings within the framework of the law. Madaripur Legal Aid, Banchte Shekha and Nagorik Uddyoog follow this approach, with some variations. It is the institutional support of these NGOs that ultimately renders their rulings acceptable. ASK relies on...
somewhat more indirect methods. GSJP staff spends considerable time in the field but their mandate is strictly limited. They do not form alternative shalish committees, nor are they allowed to participate in local shalish. Their role is to observe, to monitor and to persuade. The GSJP seeks to monitor local shalish, track human rights violations in its working areas and increase the legal literacy of the local population. ASK proceeds on the assumption that an equitable and representative shalish structure can be created and sustained only when there is an overall shift in community norms and practices of power.18

The GSJP faces the most resistance in promoting women's rights as human rights, which is often seen as a challenge to religious authority. At the community level, the emphasis is more on observing religious laws or customary practices than on enforcing the formal laws of the land. In 2003, the unit initiated dialogue with imams and kazis, since kazis are critical to the registration of births, marriages and divorces and imams are often involved in dispute mediation.

A separate Training Unit organizes and conducts courses and workshops in subjects such as family law, gender equality, violence against women, collective responsibility and activism, mediation and advocacy techniques. ASK also responds to requests from other organizations to conduct workshops on legal literacy and human rights.

**Popular Theatre**

Popular theatre was introduced in 1998 as a component of ASK's Training Unit. In 1999, a separate Popular Theatre Unit (PTU) was established. The Unit imparts training on human rights and the formal legal structure to local communities and aims to create understanding of human rights violations in collaboration with partner NGOs. The PTU assists in the formation and training of local theatre troupes called Manobadhikar Natya Parishad (MNP) [Human Rights Theatre Committees] at the union level. The MNPs perform issue based plays on a variety of topics related to rights and locally relevant events. MNP members include local youth, students, cultural activists and folk artists. Women's participation as performers is strikingly low compared to other programs, although almost half the audience is female. The plays explore subjects ranging from police harassment and custodial violence to the jurisdiction of the shalish and the rights of women.

The format is unlike that of conventional theatre. The plays are usually open-ended; at their conclusion, a facilitator elicits audience participation on possible solutions to the case at hand. The debates that invariably ensue on socially

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18. For a detailed analysis, see Dina M. Siddiqi Shalish and the Quest for Gender Justice: An Assessment of Strategic Interventions in Bangladesh. Prepared for Ain o Salish Kendra and Research Initiatives, Bangladesh (RIB), 2004.
fraught subjects have the effect of staying with the audience long after the performance has ended. In effect, these performances create the space for long-term impact on deeply entrenched issues such as violence against women and minority rights. When a play deals with a topical matter or local controversy, performances can catalyze into public action. Members of MNP are held in high esteem, as evinced by their frequent invitations to sit in on local shalish.

**Strategies of Resistance:**

While theatre may appear to be a fairly safe site of activism, MNPs activities often come under threat when they challenge local power structures. For instance, in 2002, an MNP performance in Haripur Union, Kushtia, challenging a shalish judgment on a rape case, spurred swift retaliation. The local Union Parishad Chair and his henchmen attacked the residences of four performers and beat up members of their families. The MNP swung into action immediately afterwards. It had built up a good working relationship with the media and enlisted the latter in a struggle to mobilize community opinion. The incident was widely publicized in newspapers; ASK and its local partner NGO put pressure on the police. Several public discussions were held with high profile community
members, journalists, UP members and the police. After six months of sustained effort, the police finally accepted the rape charge and arrested the rapist. In another case in Gaibandha, the PTU and MNP were able to convince a group of people who had attacked a performance against child marriage to ask publicly for forgiveness in front of a 5000 member strong audience. Enlisting community and media support was critical to the lobbying and advocacy efforts of the PTU.

In 2003, the PTU reviewed and redirected some of its strategies. Working with young people with high levels of mobility meant frequent loss of trained personnel. The unit recognized the need to have a stable institutional structure. In order to avoid the disruptions caused by high turnover, it persuaded schools in its work areas to establish drama groups and allocate one teacher to be trained in issue based drama productions. Now the PTU has fifty two MNP's with 1500 members including 150 women in 11 districts. It also has eighteen school theatre teams working in 6 districts with 450 members including 250 women members. At the same time, union-level MNPs have begun to assert more autonomy and are interested in taking over the duties of the PTU. From the perspective of long term sustainability, this is an excellent indicator of ASK’s success.

Mobilizing local communities, especially youth, through theatre has several advantages. The language of the theatre is more accessible than that of formal training sessions. In addition, folk theatre has a long pedigree in rural areas. It also allows individuals and groups to exercise greater autonomy and creativity. NGOs other than ASK have also realized the potential of using theatre as a tool of social change. One outcome is that some NGOs, including a few of ASK's partner NGOs have started offering fees to performers. Predictably, this has produced tensions among MNP members, some of whom now expect payment in exchange for performances. This outcome is very much a part of the highly commercialized NGO landscape of Bangladesh and poses a major challenge for ASK activities.

MNP performance.
Research, Media and Communication

The Media and Communication unit reports violations of law and human rights, and conducts media campaigns, press briefings and the like in order to mobilize public opinion and raise awareness on human rights issues. Print and electronic media are used to campaign and lobby on issues relating to legal rights and human rights. From the beginning, ASK encouraged staff and members to write for the public on matters of topical concern. Fact finding investigations frequently form the contents of ASK write ups. In the decade of the 1990's, articles by ASK members and staff appeared regularly in national daily newspapers, in English and in Bangla. ASK voices in the written media have become less prominent in recent years. This is partly because of increased workloads at ASK and partly the result of other women's and human rights voices entering this arena. ASK's early interventions in public discourse presumably opened up spaces for discussion of women's and human rights issues in the media.

The Communication Unit also publishes a quarterly bulletin in Bangla, distributed free to over one thousand human rights, women's rights and development organization, as well as to government officials, local representatives and others on request. Topics covered in the bulletin are wide
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The Communication Unit also publishes a quarterly bulletin in Bangla, distributed free to over one thousand human rights, women's rights and development organization, as well as to government officials, local representatives and others on request. Topics covered in the bulletin are wide ranging and contextual. For instance, in 1996, they included stories on political violence, fatwas, migrant workers in Malaysia, and war crimes. In 2004, lead articles analyzed the Chittagong Hill Tracts Peace Accord, and the legal and operational basis of RAB. Two cover stories engaged with the aims, processes and practices of Truth and Reconciliation Commissions across the globe, consciously highlighting the starkly adversarial and partisan culture that prevails in Bangladesh.

In conjunction with the Research Unit, ASK also publishes an annual Human Rights Report which contains comprehensive statistics, reviews and analyses of the year's human rights related events. The first report was published in 1996 in collaboration with Bangladesh Legal Aid and Services Trust (BLAST) and Odhikar. Since 1998, ASK has published annual reports on its own. The generally high quality of these reports, as well as the overall credibility of ASK has made these volumes a serious benchmark for judging the human rights situation in any given year. The contents of annual reports have also been pioneering at times. In recent years, the rights of sexual minorities and of physically and mentally challenged groups have been included as topics for consideration.

The Documentation Unit maintains a computerized database on legal and human
rights literature. The database is catalogued, classified, updated and archived on a regular basis. This Unit scans, compiles and tabulates statistics from daily newspapers and weekly magazines. These are used for filing cases and writ petitions, and for investigations, litigation, research, and publications. Statistical charts computed from news clippings on violence against women are used for research, publication, human rights reports, case filing, writ petitions and media reporting. The charts are used within ASK as well as by other organizations.

**ASK's Support Services and Halfway Home (SSHH)**

The SSHH unit, which has been working since 1991, complements ASK's extensive legal aid program. Members assist clients in locating and gaining access to a range of social services including medical care, shelter and possible economic opportunities. They also provide psychological and social support. Survivors of domestic violence, rape, and trafficking who are in the midst of court cases receive temporary shelter in the Halfway Home for up to six months. They also receive training on basic literacy and vocational skills. In order to monitor compliance, the SSHH unit maintains communication with clients six months from the date of settlement and maintains liaison with the concerned party before and after *shalish*.

Field workers can be forgotten when documenting the activities of organizations such as ASK. Yet their relative invisibility belies their critical importance to the every day functioning of ASK. They are usually engaged in the most taxing work, both physically and mentally; they frequently run the highest risks. Fieldworkers also represent the human face of ASK to the individuals and communities the organization seeks to serve. Most 'clients' will never come in direct contact with senior administrative personnel or policy makers. It is the field worker's task to maintain in-depth communications with clients, ensuring meaningful client participation in prioritizing needs and decision-making, and providing practical as well as psychological support. The field worker often

19. As noted by Hameeda Hossain.
bears the highest costs of this line of work. He or she is arguably the most vulnerable to emotional burnout and faces the most physical risks.

Perhaps part of the visibility problem results from the relatively intangible nature of the work involved. The final 'outcome' of a fieldworker's job is not as concrete as, for instance, producing an investigative report, arguing a case in court or publishing an article. Class factors may also be implicated in the relative devaluation and erasure of fieldwork.

Fieldworker Trajectories

Ayesha Islam was the General Secretary of the Garment Workers' Federation. She was also the president of several garment workers unions. In 1984, at a seminar where she gave a talk on labor laws, she became acquainted with Salma Sobhan. From then on, she was regularly invited to participate in meetings at ASK. During Ershad's rule, Ayesha was arrested. After losing her job, she decided to go abroad. Later Sara Hossain and Hameeda Hossain offered her a job at ASK. She began running workshops on labor laws for ASK. She is now a fieldworker in the Field Support Unit.

From 'Victim to Human Rights Defender: Sheikh Nasir Ahmed's Story

Sheikh Nasir Ahmed went to Malaysia in 1995 in search of employment. After he lost his passport, he was arrested and thrown into a detention center. He returned home after three months. On his return, he discovered that ASK had kept up constant communication with his family in relation to obtaining his release. He began to volunteer with ASK, working on migrants' rights issues. Several months later, he joined the Investigation Unit in 1996. At present, he is a senior investigator in the unit.
CHAPTER III
SK's grassroots activities are complemented by a host of lobbying and advocacy measures as well as by legal interventions at the national and international level. A noteworthy aspect of ASK's development is that its programs have been driven more often by demand on the ground and by opportunities being seized than by a predetermined agenda set by members. Strategies have also evolved in response to specific situations. This section takes a closer look at some outstanding examples of ASK interventions through the Advocacy Unit, primarily using the tool of Public Interest Litigation.

**Case Study 1: Judgment in Women Ward Commissioners' Case 2003**

In April 2002, ten women ward commissioners were elected through reserved seats to the Khulna City Corporation. Reserved seats for women had been assured through legislation passed in 1997 to encourage women's increased participation in the political sphere. However, the government's ambivalent attitude toward actualizing gender equality was revealed when in September 2002, the Local Government and Rural Development (LGRD) ministry distributed a special circular delineating distinctions between the authority and duties of ward commissioners who were elected in general seats and those elected from reserved seats. The circular authorized only those elected from general seats (primarily men) to issue certificates of birth, death, succession, nationality and character; to organize and chair law and order committees in each ward; and to assist the City Corporation in conducting all reports including census counts.

The circular effectively undermined the legitimacy of women ward commissioners by depriving them of any real authority in their wards. After failing to secure support from the central government, the women ward commissioners filed a writ petition in the High Court division challenging the discriminatory provisions in the LGRD circular. A division bench of the High Court eventually declared the three relevant sub-clauses of the circular to be unconstitutional and violations of fundamental rights to equality and non-discrimination.

As the case had serious implications for promoting women's rights, eliminating gender discrimination and establishing human rights, ASK became an intervenor in the case. Barrister Sara Hossain and Dr. Faustina Pereira of ASK drew up a powerful...
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written submission on behalf of ASK.\textsuperscript{20} The submission explored the scope and extent of the constitutional mandate for gender equality, Bangladesh's obligations under international human rights instruments and key developments in other jurisdictions. The intervenors noted the distinction between formal and substantive equality, then argued that even under the standards of formal equality, a distinction between general and reserved seats was capricious and arbitrary. Such a distinction amounted to gender discrimination, which contravened Article 28 of the Constitution. Indeed, as they pointed out, restrictions on the power and functions of commissioners from reserved seats defeated the purpose of adopting reservations to ensure women's effective participation in political life. The intervenors laid out the social, cultural and historical context in which the need for special reservations arose. They argued that the circular breached Bangladesh's obligation under international human rights law to ensure gender equality, including treaty obligations under CEDAW and the ICCPR. Finally, the submission referred to law and practice in other countries to argue that the policy of quotas to ensure women's equal participation in local government was part of a growing trend, regionally and internationally, toward adopting special measures to redress past disadvantage faced by women.

From one perspective, the judgment represented a victory not only for the ten women commissioners involved but also for the women's movement as a whole. Feminists have been struggling for many years now to establish reserved seats for women through direct elections in the national parliament. Although the judge's comments on the matter were part of his additional remarks with no precedential value, the utterance of such remarks by the courts confers a degree of legitimacy on women's demands for reserved seats.\textsuperscript{21} Symbolically, the judgment constituted an important stepping stone in this direction.

It is worth noting here that ASK's involvement in the case was accidental. One of ASK's members happened to be present in court when the Ward Commissioner's case was being heard. On listening to the arguments being placed, the member noted the absence of substantive discussion on gender equality. Realizing the potential importance of the case, the member formally prepared an intervenor petition to enable ASK to participate in the proceedings.

\textsuperscript{20} Sara Hossain and Faustina Pereira Written Submission on Behalf of the Intervenor, Ain o Salish Kendra, Writ Petition No. 3304 of 2203, April 26 2004. Bangladesh Mahila Parishad was the other intervenor.

\textsuperscript{21} In the process, the judgment addressed head on the larger issue of reservations as a means of overcoming social and economic exclusion, a fraught topic in all of South Asia.
Case Study 2

Slum Eviction

Over one third of Dhaka's residents are long or short term migrants who live in slums, often in appalling conditions, with little security of tenure or of livelihood. While slum dwellers' labour is central to the functioning of the city, as individuals or as a community, they are marginal to political and social life.

One of ASK's earliest interventions involved protecting the rights of slum dwellers faced with eviction by the state, usually in an arbitrary manner. The story goes that in 1989, after Hameeda Hossain learned that bulldozers had razed shanties in Taltola basti, a piece of land allocated to Dhaka City Corporation sweepers, she called Salma Sobhan and suggested ASK do something about this illegal and forced eviction by the police and RAJUK. Salma Sobhan then contacted two of the then panel lawyers who briefed Amirul Islam to initiate Public Interest Litigation. The court immediately issued a stay order on the government, and in the meantime media publicity led to a response from political parties against General Ershad for ordering the eviction.

Following a series of writ petitions filed by ASK against the forced eviction of slum dwellers, as well as in response to a study highlighting violence in the lives of the urban poor, in 1996, ASK helped draft a bill for housing rights. Two members worked on the draft by examining similar documents in neighbouring countries and by entering into policy discussions with government and non-government personnel. The draft report was widely circulated and feedback from civil society was incorporated into a revised version. The bill represented an ongoing exercise in advocacy although its contents have yet to be translated into concrete action.

Subsequently ASK turned to the court in other cases of slum eviction. In 1998, the eviction of over 800 families from slums around the capital's only five star hotel elicited considerable protests from civil society. ASK protested the government's failure to offer adequate compensation and rehabilitation to slum dwellers. It also sent a legal notice to the government that the process of eviction without prior notice was in breach of the relevant law. Simultaneously, ASK members published numerous newspaper articles laying out relevant national and international laws, and recommended immediate action to rectify the situation. The High Court judgment delivered in response proved to be an important legal landmark in establishing the rights of slum-dwellers. The judgment noted that the whole sale eviction of slums was not only contrary to national law but also against UN recommendations. The ruling interpreted the constitutional principle of the preservation of fundamental rights to direct state policy toward securing citizens rights to life, living and livelihood. It also instructed the state to provide guidelines for the rehabilitation of slum dwellers in stages, giving them adequate time and notice for any eviction.

Since then, ASK's work in slums has earned it a reputation of reliability among many slum dwellers, with whom it appears to have built up a relationship of mutual trust.

and solidarity. In the beginning, ASK outreach staff would rush to eviction sites when they heard of demolitions. Now, as soon as they receive an eviction notice, slum dwellers come to ASK in search of legal advice and support. ASK works actively with the Coalition of the Urban Poor and BLAST on such matters.

Unfortunately, success at the policy level has not led to preventing illegal evictions and demolitions altogether. In this context, ASK faces not only state indifference but also the interests of local capital. As one ASK report notes, state policies of offering liberal credit for middle class property development and allocation of urban land for housing estates clash with state commitments to housing rights for the poor. In addition, in a highly criminalized political and economic environment, land speculation and forced land acquisition by powerful business interests have been difficult to prevent. Both the state and non-state actors, often in collusion with each other, continue to violate the rights of the poor to housing. However, ASK and other members of the Coalition for the Urban Poor have helped slum dwellers' organizations to become much more visible in public policy matters.

Case Study 3

Fatwa related Violence against Women

Local communities have always policed women's bodies as a way of regulating morality and maintaining class domination. An effective way they have done so is through controlling the rulings of the shalish or informal village tribunal. Since the early nineties, fatwas or religious edicts to legitimate shalish rulings have emerged as a serious problem in rural Bangladesh. Brutal forms of the public disciplining of poor rural women - including stoning, caning and even burning at the stake became visible outside their villages due to increased reporting in the media in the 1990s. The first widely publicized case, that of Nurjahan (who committed suicide after the humiliation of being accused of adultery and enduring stoning as punishment), galvanized the human rights and women's rights movement. Although Nurjahan could not be saved, the intervention of ASK and allied groups such as Mahila Parishad, prevented many fatwa sentences from being implemented.

In early 1994, a young woman named Dulali who had become pregnant by a man to whom she was not married, was accused of zina and sentenced to flogging by the local shalish in a remote village in Noakhali. The shalish also proposed Dulali become the second wife of the man in question. ASK, Mahila Parishad and several other organizations working on women's rights rushed to the spot on hearing of the sentence. Their strategy was essentially to prevent fatwa enforcement through local intervention, that is, by putting pressure on local police, administration and, where possible, circuit judges took the complaint, and sentenced to flogging by the local hilla.


24. The 'complaints' behind these rulings generally fall into two broad categories. The first involves traditional cases of policing moral boundaries - shalish called to adjudicate in extra or premarital relationships or pregnancy out of marriage and so on. The second involves verbal divorce or talaq, resulting in intervening or hilla marriages. The usual practice involves proclaiming a fatwa that validates the oral divorce.

25. The writer Taslima Nasreen was charged with apostasy and a fatwa calling for her death circulated widely around this time. ASK campaigned on her behalf nationally and internationally.
intervention, that is, by putting pressure on local police, administration and, where effective, the community. The activists succeeded and the flogging was not carried out. Nor was Dulali compelled to enter into a polygamous marriage. Instead, the investigation team from Dhaka negotiated a land settlement for her from the man whose child she was carrying. While this was a highly successful outcome by most measures, some problems lingered. In this case at least, the community was not ready to accept Dulali as a single mother and ‘fallen’ woman. Thus, even though she had access to property, Dulali initially had to leave her village and live in a shelter.

In the aftermath of a high profile *hilla* incident, in January 2001 two High Court judges took *suo motu* cognizance and issued a judgment declaring it unlawful for any authority other than the Courts to proclaim *fatwas*. ASK was an intervenor in this case. The judgment also ruled that *talaq* as customarily observed in Bangladesh did not represent authentic Islamic practice. The radical nature of the judgment instantly drew the ire of the religious right. Two separate petitions seeking leave to appeal the judgment were quickly submitted to the Court. The operation of the judgment was stayed temporarily. No legal action on this case has been taken since then.

Despite this legal intervention, *fatwa* related violence against women remains fairly constant. This reflects not only an indicator of the state's lack of political will in pursuing the matter; it also reflects a gap between formal law and local cultural practices. As the Dulali case shows, women's rights groups may turn to formal state enactments for change but that does not make such changes automatically acceptable within the community. This is a constant and serious dilemma for activists, one that defies straightforward or easy solutions.

However, the battle may not necessarily engage the incommensurability of culture and rights. In the first place, cultural practices are not monolithic or static. They are located in relations of power and so open to contestation and transformation. The presumed entrenchment of *hilla* marriages as customary practice is a case in point. It seems fairly clear from available examples that not everyone in a given community subscribes to the need for an intervening marriage in the event of a verbal *talak*. In preventing such marriages, rights groups directly challenge not only male privilege or religious prescription; they also disrupt structures and practices of domination. The challenge for activists is how to mobilize and provide institutional support to marginalized voices and opinions in these circumstances.

In addition to such joint efforts with the broader women's movement to prevent *fatwa* related violence in villages, ASK proceeded with advocacy on other fronts. In 1994, with the support of Women Living Under Muslim Laws, under the Bangladesh Women and Law project, ASK produced *Grohonkal (Eclipse)*, a video documenting the political origins and scope of *fatwas* as well as the resistance to religious extremism in the country. ASK members also compiled two important collections of essays and analyses on the subject entitled, *Fatwas against Women in Bangladesh* and *Attack on Fundamentals*.

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26. The primary objection of the appellants was the categorization of all *fatwas* issued by non-state actors as illegal. The judgment has exposed critical ruptures between the powers of the secular state and the reach of religious authorities.
Case Study 4

Minority Rights

The threat of violence and intimidation appears to be permanent features of minority life in contemporary Bangladesh. Parliamentary elections in 2001 proved to be a particularly dangerous time for Hindu citizens of the country. Prior to the elections, newspaper reports documented threats against the lives and property of minority communities, apparently to dissuade them from exercising their voting rights. Immediately after the elections, a series of fairly coordinated attacks by members of the victorious party took place across the country. Reported atrocities included assaults upon households, attacks with sharp knives and weapons, beating and chasing women and children, as well rapes and attempted rapes. Hindu households were looted and Muslim households sheltering Hindus were also attacked. In the face of the systematic denial of these incidents by the state, ASK, as well as several other NGOs, immediately sent a fact-finding team to the affected areas. In conjunction with these organizations, ASK held a press conference, appealing to the government, civil society and political parties to take appropriate measures. Those responsible for the atrocities continued to roam about freely and to intimidate their victims.

In late November 2001, ASK turned once more to Public Interest Litigation. It filed a Writ Petition in the High Court arguing that the government had failed to provide security to the Hindu community and also failed to guarantee citizens their constitutional rights to life, liberty, equality before the law, personal security and protection of home. In response, the High Court issued a Rule Nisi asking the Government of Bangladesh to explain within four weeks why it should not be asked to take proper steps to protect the country's religious minorities from 'terrorist' attacks and harassment. The Court also directed the government to investigate the incidents of attacks and to submit a report on the matter by 15 January 2002.

The government filed an affidavit but did not launch a formal investigation into the reported incidences of violence. Instead, the government provided a requested report explaining that in many cases, it was unable to prosecute for lack of evidence, witnesses and such. It also claimed that complaints were not filed with the police. Notably, there is no mention of widespread reports of the intimidation of witnesses or the suppression of evidence by law-enforcement authorities and associates of the victorious political parties. On the contrary, in its defense, the government pointed to the recent pogrom in Gujarat, claiming that no one had died in post-election violence in Bangladesh, and asking in turn why the petitioner, ASK, had not protested the killings in Gujarat. In other words, the Bangladeshi government sought to use the carnage in neighboring India as a cover and justification for its own inactions and complicity in violence against minorities under its watch.

ASK sent a follow-up team to one of the worst affected areas, in order to assess the situation and examine the possibilities of offering legal aid to survivors. Members of

ASK’s investigation unit have been repeatedly frustrated in their efforts to bring the perpetrators to justice. The investigation unit has collected substantial evidence and pressured local law-enforcement authorities to accept cases; it is ready to pursue these cases. Unfortunately, they lack witnesses, all of whom have been intimidated into silence. The fear of further retaliation by perpetrators who are afforded impunity because of their ties to political patrons silences even the most willing of witnesses. Fear, intimidation and impunity are standard features of Bangladesh’s current socio-legal environment. Minorities are doubly vulnerable in this state of affairs.

The status of the writ petition is in limbo currently. Nevertheless, the situation should not be read as a “failure” on the part of ASK. Rather, the process reveals the strengths and limits of Public Interest Litigation under certain conditions, and highlights how much “success” depends on external factors and political context. It also brings to attention the specific kinds of countervailing forces human rights defenders are up against politically and socially. It is worth remembering that legal interventions require a degree of public support to have an impact, even symbolically. Unlike the fatwa case, there is much more ambivalence in the public realm about the extent and intensity of the repression of minorities in Bangladesh. Denial and self-censorship, and fear of “inflaming passions” all played into undervaluing events in 2001.

This is an extraordinarily fraught political issue, with implications that go well beyond the nation. Of course, the question of fatwas is also fraught but minorities, unlike feminists, do not have a meaningful political voice in the country. Consequently, few groups are willing to engage with the thorny issue of minority repression. It is noteworthy that investigations into post Babri Masjid violence several years before the events of 2001 were documented in depth but not widely publicized by human rights organizations. In that case, the (legitimate) fear of appropriation and misuse by Hindu nationalists in neighboring India resulted in a degree of silence and self-censorship. On this count, it is worth pondering the multiple difficulties faced by human rights defenders when national and regional politics are so deeply entangled. In the circumstances, “speaking truth to power” in any straightforward way appears to be extremely difficult. Despite this kind of adversity, ASK and its allies must continue with their activities, since success is not a zero-sum game in this context.

Before ending this section, I touch upon a number of ASK campaigns that have used multiple strategies including Public Interest Litigation. Among other things, the campaigns illustrate ASK’s place in a widening circle of groups fighting for women's rights, nationally and internationally. They also show the continuity in ASK’s work over the years. The first case illustrates how practical responses on the ground moved on to advocacy that actually led to infrastructural change and eventually to legal reform.

28. Interview, Nur Khan Liton, Director, Investigation and Documentation Unit.
Challenging “Safe Custody” Practices

“Safe custody” refers to the incarceration of women and children in state facilities, ostensibly for their own protection. For instance, survivors of rape who lodge complaints with a police station may be kept in the station to 'protect' them from their aggressors. Those who are taken into so-called safe custody may languish in jail for years, unnoticed. They are usually not treated differently from other prisoners. Women and children at the margins of power, such as those labeled vagrants, sex-workers and the destitute are invariably the ones placed in safe-custody. Inherited from colonial times, this practice has no basis in the formal law, even though it has become institutionalized through practice. In the beginning, ASK and other legal aid organizations used to obtain the release of individuals on a case by case basis, after signing affidavits ensuring that the women would be handed over to a so-called guardian. In 1995, the case of Sufia Begum invested a new urgency to the issue. Sufia, who had gone to court on a land matter was raped and subsequently placed into safe custody. After she fell sick and had to be hospitalized, she was chained to her hospital bed, as though she were a dangerous criminal. Media reports led to great outrage among activists. ASK and BLAST embarked on a PIL on safe custody for Sufia Begum. Soon afterward, Shima Choudhury, a young garment worker in Chittagong was picked up by the police, raped and kept in jail custody for months. Shima died in jail. The women's movement was galvanized by this event, and turned it into a landmark case. Individuals and groups turned this into a widening campaign. ASK commissioned Tareque and Catherine Masud to produce a film on safe custody in general. Independent filmmaker Yasmine Kabir produced a moving documentary on Shima Choudhury's murder. The PIL, along with sustained campaigns by the women's movement yielded positive results. The government issued a gazetted circular stating that women were not to be kept in jails but in separate homes. Although the circular did not abolish safe custody, or question the ideology of protection underlying the practice, it was a step in the right direction. Since the government was not able to provide enough shelters, women were frequently placed in homes run by women's organizations. The government eventually built a separate shelter for women in Dhaka and five other division headquarters. Concerted lobbying by women's organizations eventually led to some legal changes. The 2000 Nari Nirjaton Domon Ain allowed for safe custody, depending on the discretion of the Magistrate concerned. In effect, this
deprived women of agency and continued to construct them as passive victims in need of protection. Under pressure from women's groups, the provision was modified, and women can no longer be placed in safe custody without their own consent.

**Workers' Rights**

Continuity in ASK's work can be traced in its long-term campaign to ensure workers' rights to workplace safety and security. Following a series of fires in garment factories in which many workers perished, in 1997 ASK first undertook PIL in this field. ASK has also been involved in the Bangladesh Garment Workers Protection Alliance, a forum set up to assist garment workers following the phasing out of the Multi Fibre Arrangement in 2003. In 2005, the collapse of Spectrum Sweaters, a nine story garment factory outside Dhaka, in which at least 64 workers perished and 80 were severely injured, galvanized ASK and other groups into action once more. The collapse was attributed to the willful negligence of the owner and faulty construction on the part of the builders. ASK, along with *Karmajibi Nari*, *Nari Uddyog Kendra*, Bangladesh Environmental Lawyers Association (BELA) and several trade unions and workers' rights bodies formed the *Sromik Nirapotta* Forum (Worker Safety Forum), a coalition of 12 organizations seeking to promote industrial safety and workers' interests. The Workers' Safety Forum expressed serious concern that gross negligence, the lack of compliance with safety provisions by the owners, an absence of effective monitoring and supervision of factory premises, and non-enforcement of punitive measures continued to result in serious industrial accidents. ASK began to raise the issue of corporate responsibility, a relatively new concept. In a public interest writ petition, filed collectively by ASK, BLAST and several workers, the High Court issued a Rule Nisi on the government to set up a Judicial Commission.
of Enquiry with expert members and workers' representatives to identify the causes and to secure adequate compensation to workers. Following the Court's direction to submit an investigation report, the Bangladesh Garment Manufacturers and Employers Association (BGMEA) submitted a detailed report, which ascribed the collapse to flaws in construction.

Subsequently, two task forces were set up to examine and establish a timeline for compliance with safety conditions and for improvement of workers conditions. The BGMEA made several commitments to ensure compliance with laws, although they have yet to live up to these commitments. Overall, however, the ASK response to the Spectrum tragedy yielded some concrete results, as the positive judgment in the writ petition forced BGMEA and others concerned to engage with the issue of worker safety more seriously.

International Campaigns

ASK has been actively involved in campaigns for freedom of speech, including in the Taslima Nasreen case, when it worked actively with PEN in the US. It sends alerts on violations to international human rights bodies, including UN Special Rapporteurs on Torture, Civil and Political Rights, and Violence against Women.

ASK members attended preparatory meetings for the Vienna Human Rights Conference and post regional meetings. ASK played an important role at the Asian Preparatory Meeting for the Beijing Fourth Conference in 1995. Several junior members attended the Beijing Conference. ASK has been very active in the preparation of Shadow Reports for Committee on the Elimination of all forms of Discrimination Against Women (CEDAW) and for the Convention on the Rights of the Child (CRC). It was part of the team that went to 2004/5 CEDAW meeting when Bangladesh's report was presented. ASK representatives spoke at the meeting and made recommendations that were taken on board by the Committee.

ASK members are involved in numerous regional networks. Salma Sobhan was one of the co-founders of the APWLD in 1985. Hameeda Hossain has been a member of the Steering Committee; Sultana Kamal is currently on the Management Committee. Sanaiyya Ansari is involved with APWLD's training programs. ASK has written several reports for them. Salma Sobhan was a founding member of WLULM. Sultana Kamal, Shaheen Akhter and Faustina Pereira are involved with research. WLULM has also published several ASK reports such as the compilation on fatwas mentioned earlier.

CHAPTER IV
A SK holds a Daily Action meeting in the morning with all units represented. The meeting opens with a brief update on the previous day's work and the status of current cases being investigated. Next, the group embarks on its daily newspaper scan, through which it identifies cases of human rights violations that call for intervention. Intervention might entail emergency action, deciding whether or not to mount an advocacy campaign or perhaps launching a fact-finding inquiry. Once the appropriate action is identified tasks are divided up and delegated to the different units present.

Daily Action meetings provide an interesting window into the world of human rights work in contemporary Bangladesh. In the past, the news media, especially print journalism, have played a critical role in communicating human rights violations to organizations such as ASK. Journalists in remote regions are often the first to record and communicate to the centre rights violations across the country. However, with the expansion and commercialization of the print media, the potential profit to be made from sensationalized accounts of violence...
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especially violence against women, and the proliferation of false cases, newspaper reports can no longer be taken at face value.

As a culture of human right has gradually taken root, at least in civil society discourse if not always in everyday practice, it has become clear that reports of human rights violations now generate enough outrage and interest among the public to bolster newspaper sales. The rhetoric of rights has been appropriated by all sides concerned, so that there is a war of representation going on; competition on all sides concerned in any case now centers on how to present the case to best catch public attention. The trend has been fuelled by the entry of numerous cable television channels into the public arena. Not surprisingly, correspondents and lawyers often have interests other than getting at the facts. This state of affairs renders the task of groups like ASK much more complicated and challenging. Several years ago, on hearing of incidents of atrocities, ASK staff would have rushed to the spot immediately to offer support and to carry out their own investigation. At present, during Daily Action meetings, the staff weighs the merit of even the most compelling sounding case of violation, occasionally seeking outside confirmation from other NGOs, and only then decides on a course of action. ASK members are in the position of having to determine at the outset whether or not a field visit will be worth their time and expenditure of limited resources. In this sense, ASK is facing new challenges produced by its own success.

Daily Action meetings themselves are held in an open fairly and non-hierarchical manner. The concerns of all units are heard equally and decisions are reached through consensus. On the whole, gaps in communication among different levels of administration appear to be minimal in this forum at least. This is not to imply that all interactions within the organization are non-hierarchical. It may be that since ASK's mandate involves a formal commitment to challenging social
especially violence against women, and the proliferation of false cases, newspaper reports can no longer be taken at face value.

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Moreover, there are some class differences (to some extent mirrored by linguistic markers) between senior staff and those at lower levels. Power and authority inhere transparently in class relations and a culture of deference is deeply entrenched in society at large; despite the best of intentions, prevalent norms and practices are not easily or quickly overcome by organizational policies promoting democracy.

Class factors also play into (perceived) contradictions between understanding and struggling to establish concepts of rights at work, and the personal practices of ASK staff. Some individuals worry about how and whether to bridge the gap between ASK principles and staff practice outside the workplace. The question of child rights appears to be especially thorny. Staff members who spend their

30. Even something as simple as calling a senior person by their name, without the use of the honorific Apa or Bhai can be difficult and potentially misunderstood.

31. It should be kept in mind that I did not undertake a rigorous evaluation of ASK culture and practices on this score. My readings of draw on conversations during the research period and on observations gathered over the last ten years of informal association with ASK.
time with working children, helping to build up their capacities may also employ child workers in their homes. Presumably for the latter, the decision of whether or not to employ children is not an ethical one but one based on considerations of affordability. At a Coordination Committee Meeting I attended, the issue of whether ASK needed a Child Rights Policy was discussed. As far as I could tell, the proposal was met with a lukewarm response. I expected a heated debate over the merits of the potential surveillance and regulation of staff behavior outside the workplace but none was forthcoming. One suggestion was that the policy would not be enforceable but having one in place would express the views of the organization unambiguously. From an observer's perspective, the most compelling aspect of the discussion involved the contrast between the deep concern of senior staff with the issue and the relatively more relaxed attitude of other staff members. The latter clearly did not see their private lives as being incompatible with their work principles. This gap in perception and urgency could be explored in greater depth by the organization.

On a related theme, ASK senior management have often expressed misgivings over differences in ideology among staff members. For instance, ASK has an official stance against the death penalty, but not all members subscribe to this view personally. How should ASK engage with these ideological differences? Should it accommodate diversity and difference, as part of its regime of tolerance.
or should it try to persuade members of the rightfulness of its official position? This is a difficult question with no obvious answers.

On a less ambiguous note, transitions in leadership at ASK have been achieved with commendable smoothness, all things considered. Unlike many other NGOs, leadership at the top has not been fixed, nor is ASK seen as the exclusive property or offspring of a single individual. ASK's current Executive Director, Sultana Kamal, already had a long association with the organization before she took on the job. Similarly, the Research Director, Faustina Pereira, was also known to the staff well before she took on a formal position.

Disaffection among staff centers on the perennial lack of adequate resources, and on size and scale of operations. This in turn is related to the success of ASK activities that generate more demand for its services than individual units are necessarily capable of meeting. By the same token, ASK has consciously resisted one of the main dangers of “NGOization”, especially in Bangladesh where NGOs represent a lucrative mini-industry, or even a parallel government, by some accounts. The country is awash in donor funds, and human rights has been a major buzzword for some years now. ASK has resisted expanding its geographical area of work. Instead, it sees its work as pioneering, with possibilities of replication at a larger scale, as has happened with BRAC’s Legal Aid and the government’s ARISE program. In this sense, it is different from most other NGOs. The organization has also been very selective about sources of funding, especially when it comes to conditionalities and the outlook of donors. This, and a stress on financial sustainability through its own activities, has allowed ASK to maintain an enviable degree of autonomy and flexibility. To put differently, it has been able to avoid becoming fully immersed in the “Log Frame Culture” that typifies the NGO movement in Bangladesh and elsewhere. To some extent, this has been driven by the nature of its work, since actual response to human rights violations need to be immediate and context-specific, rather than being planned ahead of time. Emphasis on long-term impact assessment rather than short term number based evaluation of ASK activities would not be possible otherwise. In this sense, ASK can pride itself on being much more than just another service delivery NGO.

In assessing NGO performance with respect to the creation of democratic spaces, one commentator writes that, “The locus of attention [should be] with citizens, community based and mass social movements. NGO relevance should be assessed in the light of their contributions to avenues and structures for citizens'
participation, building cohesion and solidarity, and facilitating partnerships (with the state) for progressive development outcomes.”

How does ASK fare with respect to such criteria? In the first place, ASK's focus on organizing and working through community based organizations and staying in the backdrop whenever possible (as it does for instance in the GSJP) is a good indicator of its success, one that is not easily captured through indicators and statistics. Long term sustainability can only be built through enhancing the capacities of individual citizens and communities to struggle on their own behalf and that of others, an aim that ASK has long embraced. ASK's concept of legal aid is holistic. Members are aware of the limits of legal activism and the critical importance of community activism in bringing about long terms changes in social practices and beliefs.

ASK could pursue more systematic donor monitoring and accountability, rather than just avoiding certain donors. It could also engage more directly with multinational capital. It is in an ideal position to shape the contents of good governance so that governance does not become synonymous with making the environment safe for local and global profit making.

The author carried out a random and unscientific survey of ASK staff's perception of what the organization stands for. The majority of responses clustered around versions of the following: “ASK stands beside people in need.” Whenever there is trouble, ASK is always there.” “ASK is there before others, to express solidarity even if nothing concrete can actually be done.” Several indicated that ASK's success and identity hinge on the commitment and devotion of its staff. A long-standing employee said, “This is not just a job for me. Because I'm in ASK, I know I am involved in part of a larger movement. Without ASK by my side, I would feel terribly lonely and isolated.” However she also expressed disappointment in colleagues who were not willing to engage in spontaneous street activism, which she associates with ASK organizational culture. She added that staff members are often inhibited by the climate of fear and intimidation that predominates in Bangladesh society today. This might be the point at which NGO culture has caught up with ASK. Undeniably, there exists a huge difference between a voluntary organization and a professionalized NGO, since professional competence does not necessarily translate into political commitment. At senior levels, attrition rates are minimal but some of the most promising junior personnel leave to work for organizations offering much higher salaries. Moreover, the demands of organizational expansion and professionalization do take a toll in terms of time allocation and priorities.

Several senior staff members also expressed some regret that street activism was no longer a central feature of ASK activities.

In this context, some founding members and committed lawyers, young and old, and persons from other professions. Membership is contingent upon approval by the Executive Committee only after proof of voluntary work with the organization for six months to a year. Unlike other NGOs, in the early years, the general membership acted as more than a formal body; members were intimately involved with ASK's activism in court and in campaigns. They also participated in smaller committees. The involvement of general members, Hameeda Hossain recalls, greatly enriched work and debates within ASK. Unfortunately, these members were not always available, which proved to be problematic. In addition, a few members opted out because of sharp differences in political opinions. Among other things, this indicates the difficulty of absorbing difference in a national political environment that openly fosters partisanship. Over the years, ASK has lost the dynamism provided by the active participation of general members, especially as it has moved into a more formalized organizational framework.

This section draws primarily on analysis provided by Hameeda Hossain.

For instance, a female Ain Shohayota Committee member called ASK immediately after a temple in her locality was destroyed. The information was then faxed to the BBC which broadcast news of destruction of minority property and places of worship. The publicity forced local authorities to take action to prevent further damage. Interview with author, 2003.
salaries. Moreover, the demands of organizational expansion and professionalization do take a toll in terms of time allocation and priorities. Several senior staff members also expressed some regret that street activism was no longer a central feature of ASK activities.

In this context, some founding members have noted that ASK's organizational culture has undergone a major transformation. Like all NGOs, ASK is a membership organization with a body of general members, as well as founder members. The former were mainly enthusiastic and committed lawyers, young and old, and persons from other professions. Membership is contingent upon approval by the Executive Committee only after proof of voluntary work with the organization for six months to a year. Unlike other NGOs, in the early years, the general membership acted as more than a formal body; members were intimately involved with ASK's activism in court and in campaigns. They also participated in smaller committees. The involvement of general members, Hameeda Hossain recalls, greatly enriched work and debates within ASK. Unfortunately, these members were not always available, which proved to be problematic. In addition, a few members opted out because of sharp differences in political opinions. Among other things, this indicates the difficulty of absorbing difference in a national political environment that openly fosters partisanship. Over the years, ASK has lost the dynamism provided by the active participation of general members, especially as it has moved into a more formalized organizational framework.

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CHAPTER V
A significant outcome of ASK's multi-pronged strategy has been an increased understanding of the human rights framework in the public sphere. ASK members regularly engage in civil society debates in the print media, public campaigns and advocacy for legal reform. Concern with human rights issues is now a regular feature of media coverage, and ASK can rightly take credit for a 'human rights turn' in Bangladeshi public discourse.

Over the last two decades, ASK has established itself as an institution with a specific identity in the public imagination. It has been invested with a set of public and political expectations. In the event of any major violation, political, economic or social, a public response from ASK is usually expected. As Partha Chatterjee and others have noted, not all civil society institutions are necessarily political. Chatterjee suggests that mediation between a population and the state takes place on the site of a new political society, which includes non-party
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political formations. I suggest that ASK now falls into the category of political rather civil society. By the same token, ASK has become a major contender in its own right. Its inclusion in movements, protest letters and writ petitions lends validation to interventions, giving the latter a stamp of authority. In other words, ASK's identity and position make a difference in the political arena. It has clout, and is able to draw the attention of those in power and those with political connections. Numerous anecdotes circulate about how the threat of registering a complaint with ASK has the effect of bringing recalcitrant husbands or intransigent government officials in line.

A review of ASK's annual *Human Rights in Bangladesh* volume provides a mirror into the political, social and economic landscape of the country. The volume is widely considered to be the standard reference and yardstick for assessing the human rights situation in Bangladesh. ASK members note that as long as parties are in the opposition, they tend to be supportive of ASK activities. Once they are in power, however, their attitude changes. This attests to the politically neutral nature of ASK's interventions and policies. In the recent past, the near collapse of law and order, state-sponsored violence and the aura of impunity associated with political patronage has increasingly squeezed the space for dissent and access to justice. ASK has consistently tried to rupture the culture of silence prevailing in civil society. Its record of taking risks and avoiding self-censorship in an environment of fear and intimidation has made it one of the few credible institutions to which people can still turn. ASK assistance is increasingly sought in releasing victims of random arrests, prisoners without trials and detainees under so-called safe custody. Indeed, in the face of state indifference, denial and violence, some would argue that ASK has filled a vacuum left by a weak and repressive state. In this environment, the most precious resource ASK possesses is its credibility and reputation for neutrality. The polarized political landscape and ever-narrowing scope for dissent present some dangers for ASK. The organization has to be extremely careful not to be conflated in the public imagination with the political opposition of the day in order to maintain its credibility as a neutral arbiter of rights violations.

**Founder Members**

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<td>Abdul Khaleque</td>
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<td>Hameeda Hossain</td>
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<td>K.M. Subhan</td>
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<td>Khursheed Erfan Ahmed</td>
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<td>Salma Sobhan (Late)</td>
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<td>Taherunnessa Abdullah</td>
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**Executive Committee Members**

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<td>Faustina Pereira, Member</td>
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<td>Fazle Hasan Abed, Chairperson</td>
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<td>Md. Asaduzzaman, Secretary General</td>
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<td>Md. Nur Khan, Member</td>
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<td>Nizamul Hoq Nasim, Member</td>
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<td>Sara Hossain, Member</td>
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<td>Shamim Akhter, Member</td>
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<td>Sultana Kamal (Ex-Officio), Member</td>
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**General Members**

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