

Annual
Report
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Acknowledgements

ASK is happy to present the Annual Report for the year 2009. The report endeavors to communicate to the readers the tasks accomplished by the organization over the defined period, the challenges met and also the emerging issues it had to deal with. Needless to say it would have not been possible to achieve many of the goals without the assistance provided by different sections of people. ASK gratefully acknowledges the expertise lent by Dr. Sultana Alam for giving the final shape to the information so carefully collected and compiled by the relevant staff with the help of the Planning, Monitoring & Evaluation Unit. All the staff including the Executive Director and members went through the draft and commented upon it. ASK expresses its thankfulness to them. Dr. Hameeda Hossain kindly read the draft several times before finalization of the report.

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Secretary General

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Acronyms

AGM	Annual General Meeting	LAPRU	Legal Advocacy and Policy Reform Unit, ASK
ASK	Ain o Salish Kendra. (Literally, the Law and Mediation Centre)	LIT	Litigation Unit, ASK
BBC	British Broadcasting Corporation.	MAP	Manobodhikar Ainjibee Porishod. Human Rights Lawyers Panels formed by ASK to provide free legal advice at Legal Camps, and access Government Legal Aid Fund to conduct court cases.
BDR	Bangladesh Rifles, a paramilitary force, mainly responsible for patrolling the borders but also used for emergency relief operations	MIA	Media & International Advocacy Unit, ASK
BLAST	Bangladesh Legal Aid and Services Trust	MMRU	Mediation & Rapid Response Unit, ASK
BMET	Bureau of Manpower, Employment, & Training, Government of Bangladesh	MNP	Manobodhikar Nattaya Porishods are volunteer federations of union-based theatre teams organised by ASK
BMP	Bangladesh Mahila Porishod	MNS	Manobodhikar Nari Samaj. Women's Human Rights Societies, comprising of women members of MSPs organised by ASK
BNAD	Biddalaya Nattya Dal. School Theatre Team organised by ASK at union level	MSP	Manobodhikar Shongrakhan Porishods. Human Rights Protection Associations, organised by ASK at union and upazila levels. Include men and women. organised by ASK
BNWLA	Bangladesh National Women Lawyers' Association	NGO	Non-Governmental organisations registered with the Government.
BRAC	Bangladesh Rural Advancement Committee	NIMH	National Institute of Mental Health, Dhaka.
CBO	Community Based Organisation. (Where members are not salaried and volunteer their labour)	OP	Optional Protocol
CEDAW	(UN) Convention for the Elimination of All Forms of Discrimination against Women	PNGO	Partner NGO. Other NGOs with which ASK enters a formal agreement to execute programmes.
CID	Criminal Investigation Division, Police Department	PSC	Psycho-Social Counselling, component under Social Services & Half Way Home, ASK.
CLAG	Community Legal Aid Groups set up by ASK's Outreach Unit.	RBA	Rights based approach
CRC	(UN) Convention on the Rights of the Child	RES	Research Unit, ASK.
DANIDA	Danish International Development Agency	RNE	Royal Netherlands Embassy, Dhaka.
DOC	Documentation Unit, ASK	SCS-D	Save the Children Sweden-Denmark.
FGD	Focus Group Discussion	SDC	Swiss Development Cooperation.
FIR	First Information Report	SIDA	Swedish International Development Assistance.
FK	Fredskorpset, Norway	SSHH	Support Services & Half Way Home, ASK.
GD	General Diary. A written complaint filed with police station	TLMB	The Leprosy Mission of Bangladesh.
GSJ	Gender & Social Justice Unit, ASK	ToR	Terms of Reference
HR	Human Rights	UN	United Nations
HRA	Human Rights Awareness Unit, ASK	UP	Union Porishod
HRDF	Human Rights Defenders Forum. Organised by ASK	VAW	Violence against Women
HURIDOCs	International Human Rights Information and Documentation Systems, Established in 1982. < www.huridocs.org/tools/monitoring >	VOA	Voice of America
ICCPR	International Covenant on Civil and Political Rights		
IMA	International Migrants Association		
INV	Investigation Unit, ASK		

Glossary

Acid Aparadh Daman Ain (2002) Act	to prevent throwing acid to harm or injure a person.		
Adibasis	Indigenous minority people (most of Sino-Tibetan descent). Live in hilly and plain areas, and differ in social organisation and cultural norms from mainstream Bangalis.	Suo Motu	"on its own motion," is a legal term, approximately equivalent to the English term <i>Sua Sponte</i> . It is used, for example, where a court on its own cognisance pronounces an opinion on a matter when there is no appeal before it.
Amicus curiae	or amicus curiae (plural amici curiarum) is a legal Latin phrase, literally translated as "friend of the court", that refers to someone, not a party to a case, who volunteers to offer information on a point of law or some other aspect of the case to assist the court in deciding a matter before it. The information may be a legal opinion in the form of a brief, a testimony that has not been solicited by any of the parties, or a learned treatise on a matter that bears on the case. (<i>Wikipedia</i> .)	Thana UNO	Police Station. Upazila Nirbahi Officer (UNO) or chief executive of an upazila (sub-district). The UNO is an officer of the central Government who administers the upazila for the central Government.
Bosti	Slum.	Upazila	Sub-District. Administrative unit immediately below the district.
Jawan	Soldier or security personnel.	Union	Administrative unit below the upazila, and forming the lowest level of administration. Divided into nine wards.
Manobodhikar Ainjibee Porishod (MAP)	Human Rights Lawyer's Federation.	Union Porishod	A council of elected representatives responsible for administration of a union. The council comprises Chairman, nine Members who are elected by the voters of the union. Each union is divided into nine wards with a member representing a ward each. In addition, there are three women members.
Manobodhikar Nari Samaj (MNS)	Women's Human Rights Organisation.	Village Court	A court constituted under the provisions of the Village Court Ordinance, 1976 (amended in 2006). Any party in a dispute may, in the prescribed manner and paying the prescribed fee, apply to the Village Court. The Chairman of the Union Porishod constitutes a Village Court for the trial of a case. Apart from the Chairman, each party nominates two members. The court has no power of imprisonment, but may order the accused to compensate the aggrieved to an amount not exceeding Taka 25,000.
Manobodhikar Shongrokhon Porishod (MSP)	Human Rights Protection Federation.	Zila	District.
Manobodhikar Human Rights.			
Nagar Daridra Bosti Bashir Unnayan Shangshtha	Association for the Welfare of Low-Income Urban Slum Dwellers, Dhaka.		
Nari o Shishu Nirjatan Daman Ain 2000/2003	Suppression of Violence against Women & Children.		
Porishod	Organization, forum.		
Sadar	Main. The "sadar town" and "sadar upazila" refer to the town and upazila where district administration offices and the district court are located.		
Samaj	Society, association.		
Shalish	An informal, traditional system of mediation used to settle marital, land and other disputes outside court. Criminal cases, such as rape, are outside the purview of a <i>shalish</i> .		
Shalishkar	Mediator, who conducts a shalish. Usually, local elected representatives, village elders, school teachers, NGO		

ASK AT A GLANCE

Registration

Registrar of Joint Stock Companies and Firms under Societies Registration Act, 1860 since September 20, 1986, NGO Affairs Bureau under Foreign Donation Regulation Ordinance, 1978 on June 28, 1993. In special consultative status with UNECOSOC since July 31, 1998.

Members

Founding members: 9 (4 women and 5 men, 3 deceased)
General members: 27 (17 women and 10 men) Executive Committee members: 9 (7 women and 2 men).

Staff

Total: 205 (including regular, under contract, full time and part-time), Women: 149, Men: 56.

Geographic Coverage

ASK activities cover all over Bangladesh. Its public interest litigation and its media campaigns make a national impact. It carries out specific programmes at the grass roots in partnership with NGOs in 40 unions of 10 districts (4 unions of Sadar Upazila of each district) to promote community activism for gender and social justice and human rights. ASK offers legal aid services in eight legal aid clinics in Dhaka and in its office. From April 2008, ASK has extended its legal aid activities in Chittagong, Barisal & Hobigonj districts under the three divisions of Chittagong, Barisal & Sylhet, and from May 2009 in Tangail, Satkhira and Rajshahi under the three divisions of Dhaka, Khulna and Rajshahi through intensive partnership with six local NGOs. From January 2009, ASK has implemented its outreach programme through a new project titled "Promoting Human Rights of the Disenfranchised (PHRD)" in Bogra district. ASK's Investigations are carried out over all of Bangladesh. It has formed a human rights defenders forum to carry out local investigations in 12 districts.

Legal Aid Clinics in Dhaka: 8

Dholpur at Jatrabari Police Station; (2) Purana Paltan Line; (3) Goran; (4) Johnson Road; (5) Kamrangichar; (6) Keraniganj, (7) Shah Ali Bagh, Mirpur; (8) Victim Support Centre (VSC).

Drop-in Centres for Working Children: 6

Bashabo: 1
Ekota (Johnson Road): 1
Goran: 1
Mirpur: 1
Mohammadpur: 1
Shantibag: 1

Drop-in Centres for Full-time Child Domestic

Workers: 7

Dhanmondi: 1 (Part time)
Kalabagan: 1 (Full time)
Kalabagan: 1 (Part time)
Kallyanpur: 1 (Full time)
Kallyanpur: 2 (Part time)
Mohammadpur: 1 (Full time)

Partner NGOs: (19)

Barisal: Association of Voluntary Action for Society (AVAS).
Bogra: Moitree Palli Unnayan Sangathan (MPUS).
Bogra: Palli Shayastha Unnayan Shangstha (PSUS).
Bogra: Program for Eco-Social Development (PESD).
Chittagong: Organization for Women's Development in Bangladesh (OWDEB).
Gaibandha Sadar: Gana Unnayan Kendra (GUK).
Hobigonj: Hobigonj Unnayan Sangstha (HUS).
Jhenaidah Sadar: Welfare Efforts (WE).
Joypurhat Sadar: National Development Council (NDC).
Kishoreganj Sadar: Bandhan Society.
Kushtia Sadar: Mukti Nari o Shishu Unnayan Shangstha.
Mymensing Sadar: Social Association for Rural Advancement (SARA).
Naogaon Sadar: Adarsha Shapla Unnayan Sangstha (ASUS).
Netrakona Sadar: Shabolomby Unnayan Samity (SUS).
Pabna Sadar: Pabna Prostruti (PP).
Rajshahi: Barendra Unnayan Prochesta (BUP).
Satkhira: Society for Development and Education of Small Household (SoDESH).
Sirajganj Sadar: Sirajganj Uttaran Mohila Shangstha (SUMS).
Tangail: Rural Poor Development Organization (RPDO).

Schools: 40

Gaibandha: Sathinotar Rojot Joyonti Girls High School, Modern N.H. High School, Tulshighat Kashinath High School, Rabeya Habib Girls High School.
Jhenaidah: Shisukunja School & College, Fojoir Ali High School, Jhinaidah S.P. Secondary School, New Academy School.
Joypurhat: Khanjanpur Mission Girls High School, Joypurhat Girls High School, Teghor High School, Teghor girls high school.
Kishoreganj: Arjot Atorjan High School, Ajimuddin High School, Kishoreganj Girls High School, Zila Smarani Girls High School.
Kushtia: Kolokakoli Secondary School, Mohini Mohon Biddyapith, Milpara Secondary School, Housing Estate Girls High School.

Mymensingh: Mymensingh Laboratory High School, Premier Ideal School, The Edward Institution, Police Line High School.

Netrokona: Jahanara Smrity Girls High School, Rajur Bazar Collegiate School, Krisnogobindo High School, Netrakona Girls High School.

Naogaon: Central Girls High School, P.M. Girls High School, Chok Enayet High School, Jonokolayan Model High school

Pabna: Jannat Bibi Jubily Girls High School, Central Girls High School, Selim Najir High School, Saheed Fajlul Haque High School.

Sirajganj: Victoria High School, Sobuj Kanon High School, Koumi Jute Mills High School, Hoimobala Girls High School.

Manobadhikar Nattaya Porishod (MNP): 10

Joypurhat, Naogaon, Gaibandha, Sirajganj, Kushtia, Kishoreganj, Jhinaidah, Mymensing, Netrakona, and Pabna

Donor Partners

Oxfam-NOVIB (Netherlands)

The Royal Norwegian Embassy, Dhaka

The Swedish Embassy, Dhaka (Consortium partner, renewed funding from 2009)

NETZ-Germany

DANIDA

Save the Children Sweden-Denmark

Swiss Agency for Development and Cooperation (SDC)

Concern Worldwide

Manusher Jonno Foundation (MJF)

FK Norway

Drishtipat

National Networks

Bangladesh Shishu Odhikar Forum (BSAF): 170 member organisations to campaign for the implementation of the Child Rights Convention.

Beijing plus Five for Women's Rights: a large coalition of women's organisations to implement the Beijing Platform for Action, adopted by the Government of Bangladesh.

Coalition for the Urban Poor (CUP): coordinates campaigns for the right to shelter of slum dwellers and mobilises them to demand their rights.

Citizen's Initiative on CEDAW: a network of 38 organisations which was formed in 2007 to prepare an alternative report for the UN CEDAW Committee in 2009. It also campaigns for implementation of CEDAW.

Citizen's Initiatives to Address Domestic Violence: a network of 40 organisations formed in 2007 for advocacy on legislation for Domestic Violence.

Sramik Nirapotta Forum: a network of 14 organisations concerned with workers' safety at the workplace. Formed after the collapse of the Spectrum Sweater Industries building in Polashbari, Savar it has campaigned for workers' safety through the media, and filed PILs to establish corporate responsibility for workers' deaths and injuries.

Samajik Protirodh Committee: a network of 52 women's groups formed to resist violence against women by both state and non-state actors, to campaign for participation of women in public decision-making and to resist the rise

of religious extremism. The Secretariat is located in the Bangladesh Mahila Porishod.

Human Rights Forum on Universal Periodic Review (UPR): a coalition of 17 human rights and development organizations of Bangladesh formed to prepare a joint stakeholders' report for the UPR and carry out advocacy activities.

International Networks

Asia Pacific Forum for Women, Law and Development (APWLD): formed after the Nairobi Conference. Based in Chiang Mai, Thailand, APWLD networks with legal and women's rights organisations across Asia and the Pacific to campaign for women's rights, to create awareness of rights and to draft recommendations for legal reform.

Asian NGO Network on National Human Rights Institutions (ANNI): a network of human rights NGOs in Asia engaged with NHRIs to strengthen domestic human rights protection mechanisms in accordance with international human rights standards.

End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes (ECPAT International): works against commercial sexual exploitation of children. Member NGOs in 70 countries and the secretariat is in Bangkok.

Forum Asia (FA): promotes human rights through training, education and awareness of international standards for different constituencies. Secretariat based in Bangkok.

International Women's Rights Action Watch (IWRAW): promotes women's rights under CEDAW and other UN Conventions. It supports and trains organizations to prepare shadow reports for treaty bodies. Secretariat located in Kuala Lumpur.

Migrants' Forum in Asia (MFA): raises awareness about migrant workers' rights and fair working conditions and creates structures of support. Secretariat located in Manila.

South Asians for Human Rights (SAHR): a network of human rights defenders and organizations based in South Asia. The secretariat is in Colombo.

We Can End Violence against Women: an international campaign against domestic violence. Holds meetings, seminars, workshops and publishes materials on violence against women and personal and collective measures to prevent gender-based violence. ASK is currently Chair of the national committee.

Women Living Under Muslim Laws (WLUML): an international solidarity network that has engaged with problems faced by women in contending with Islamic laws.

2009 began with great hope as a newly elected government was due to take office in January. This raised high expectations based on the electoral pledges the winning alliance had made in their election manifestos. People were particularly happy about this election, not only because it restored the democratic elected process, but also it brought an end to a two year long period of emergency rule backed by the military.

The newly elected government was sworn into office in January. However no sooner had the oath taking of the government been completed, than the whole nation had to meet a serious crisis in the form of the BDR (Bangladesh Rifles) mutiny. The BDR soldiers killed 74 people, including 57 army officers and some members of their family. Incidents, such as torture, looting and physical assault also occurred indiscriminately.

The way the mutiny was initially handled by the Prime Minister was generally praised, as it prevented further confrontation between the Army and the BDR soldiers. However, the later steps taken by the Government, mainly led by the army, to deal with the BDR soldiers raised serious human rights questions. Arbitrary arrests, torture and the death of numerous soldiers in custody gave reasons for concern that the authorities were directly violating human rights. This led to speculation by the people as to whether the trials to be conducted by the Government would actually be fair. Both the aggrieved party and the jurors belonged to the armed forces and there had been a great deal of confusion as to what would be the exact legal framework to try the perpetrators. This was later resolved through the intervention of the Supreme Court.

The trials, however, are now in progress and it is hoped that justice will win without prejudice. ASK, during the entire period from the date of the mutiny till the commencement of the trials, has worked relentlessly to call attention to human rights issues related to the treatment of the soldiers by the concerned authorities. It has held discussions, given media

interviews and been in communication with the stakeholders to ensure that human rights norms are adhered to in dealing with such a sensitive task.

At the same time, ASK has been deeply engaged with the issue of killings in “crossfire”, now renamed to “shootouts” or “encounters”, which were being justified by the highest authority as being carried out in self defense. ASK submitted memoranda and sent representations to the Government; organised press conferences; appeared on TV talk shows; gave interviews on international audio and visual media, such as BBC and VOA; liaised with international human rights organisations and also with the UN to hold the Government answerable for its failure to prevent such extra-judicial acts; and, finally, ASK appealed to the Court seeking directions to the Government to act according to the Constitution and in line with human rights norms.

Fatwa instigated violence was another issue in which ASK has been involved. Several incidents of *fatwa* took place all over Bangladesh, which the local administration, including the police, showed clear negligence in failing to prevent. In some cases ASK, along with other human rights organisations, acted to bring the perpetrators and the responsible administrative personnel to account. This saw success in some cases but the habitual procrastination of the concerned authorities created undesirable delay in the way justice was delivered to the victims or survivors of such illegal practices.

In the meantime ASK joined the nation in its relief at seeing the conclusion of the trial of Bangabandhu Murder Case and the perpetrators punished. ASK nevertheless made it clear that it was opposed to death penalty as a punishment. The other encouraging event for all concerned was the formation of the Tribunal for crimes against humanity. ASK has been advocating for the trial of the war criminals since the nineties and has already been in touch with the Tribunal to offer all possible assistance.

All these are issues that may be identified as gripping at the national level; however they also affected the life of ordinary people. While ASK sought to raise awareness about national level violations of human rights, it remained faithful to its commitments to give voice to people in their own terms and therefore much of the work of ASK's programmes in rural areas continued as before. Discussions and debates took place among the members of local level associations, both women and men, - which helped to strengthen ASK's standing in the national and international arenas. This can also be taken as an important strategy for creating a proactive culture of human rights which directly relates to ASK's original mission -to form and strengthen a critical mass at the grassroots level.

It must also be mentioned that although the above activities took much of ASK's efforts and time, its attention to issues like VAW, family conflicts and conflicts between rich and poor dominated the local clinics. Working with vulnerable children intensified in many ways and developed into a multi-front programme. ASK's legal aid unit and support services including the psychosocial help unit continued to remain busy. Many rescues carried out by the ASK staff have been risky and hazardous.

Significant achievements were made on a number of fronts through understanding among staff of separate functions and specializations of each unit and how they fit together - for example in investigations carried out in the BDR case; sexual harassment in Jahangirnagar University; positive response from the Government to suggestions by ASK on how to strengthen the newly formed National Human Rights Commission; working with the Domestic Violence Prevention Act draft, etc. The Government's Victim Support Centre in partnership with ASK and other NGOs, we must acknowledge, played an important role here. It can be cited as a good demonstration of Government and NGO collaboration in the area of human rights protection.

In 2009, ASK as usual carried a heavy workload in the office in Dhaka, as well as in the rural areas. ASK's presence was significant in assisting, strengthening and providing leadership in the efforts of other NGOs as well as in the Government's initiatives to promote

human rights and women's rights. ASK staff were invited to lecture, facilitate and conduct workshops and trainings by many organisations including the Police Academy, the National Defence College, the BCS Academy and both Public and Private Universities. Interns came from the student communities, researchers and activists from home and abroad. ASK staff members, though overloaded, were able to keep their enthusiasm and volunteerism alive due to the unity of vision and commitment to achieving a larger goal.

However, steps should be taken to mitigate the adverse effects of such overload by recognizing the realities of economic adversities and other risks related to political and social aggressions that work against human rights activism. Similar growth in concepts, however, still remains to be seen on other fronts. It is to be taken into consideration that human rights organisations such as ASK are confronted with the reality that the more progress that is made, the more people become aware of their human rights, the more they are empowered to stand up and fight, the more complaints are brought to ASK's legal aid unit, halfway home and other services. Some may mistake this as a sign of failure instead of the reverse. This is most true of the way donor agencies assess sustainability of these programmes.

Finally, I must most sincerely thank my colleagues at ASK who carried out their responsibilities with courage and commitment for ASK to remain at the forefront. My heartfelt gratitude to the Panel Lawyers who most generously gave their time and expertise to fight the cases in appropriate Courts and to the Members of the Executive Committee together with the General Board for being with ASK at every stage of its struggle to stand for human rights. The same is due to the members of national and International alliances including the various issue-based forums. Last but not the least, the earnest cooperation of the donor partners also deserves to be thankfully mentioned here.

I wish all a very happy and healthy future.

Sultana Kamal
Executive Director

INTRODUCTION

Ain o Salish Kendra (ASK) - literally, the Law and Mediation Centre - is a Human Rights (HR) organisation that takes a comprehensive approach to protecting and promoting human rights in Bangladesh. Established in Dhaka in 1986, the organisation is committed to promoting social, economic and political justice. It prioritises serving the poor and minorities, and views women as being the most vulnerable to deprivation and injustice, among the poor and the powerless. The organisation began as an effort to provide free legal aid to those unable to pay. With its emphasis on women as constituting the hard-core disempowered, the free legal aid clinics run by ASK deal mostly with, but are not limited to, family disputes because human rights violations arising from domestic violence, polygamy, failure to provide child and spousal support in case of divorce or separation even during the sustenance of marriage etc., are the most important category of violations that women face.

ASK's averred goal, however, is much broader than providing free legal service only. It seeks to:

Establish the rule of law based on principles of equality, democracy, human rights, justice and gender equity.

While its purpose is to:

Create an enabling environment for demanding good governance, non-discrimination and social justice.

This statement of its goal and purpose compels the organisation to reach beyond difficulties in obtaining legal services to address more overarching constraints to accessing justice such as cultural norms and social arrangements that prevent victims from acknowledging incidents of human rights violations against them, on the one hand; and weaknesses in existing institutions involved in administering justice, on the other. Within five years of its establishment, ASK added two new units, which were designed to counter immediate socio-cultural constraints to justice. In 1990, the organisation set up Field Liaison Support Unit and in 1991, the Child Rights Unit. The former was later expanded to the Support Services and *Half Way Home Unit*.

With an efficient base of operations in place, starting in 1994, ASK began to add several units to undertake its quest on the second, and more abstract, front - that of improving laws and improving the machineries involved in the administration of laws. The two articles that follow provide a glimpse of ASK's work processes, methods and experiences on this second front.

The work that ASK does is both multifaceted and complex. To ensure that each facet receives the attention it deserves, the organisation systematises its activities under eight outputs. Each output is allocated one or more units. The following chart provides an overview of outputs and units assigned to achieve them.

ASK: Goal, Purpose, Output, by Different Units

GOAL: RULE OF LAW ESTABLISHED BASED ON PRINCIPLES OF EQUALITY, DEMOCRACY, HUMAN RIGHTS, JUSTICE AND GENDER EQUITY.	
Purpose: An enabling environment for demanding good governance, non-discrimination and social justice created.	
OUTPUTS	UNITS
1. Human rights awareness increased from grassroots to state institutions.	<ul style="list-style-type: none"> • Human Rights Awareness (HRA)
2. Community activism for gender and social justice promoted.	<ul style="list-style-type: none"> • Gender & Social Justice (GSJ)
3. Access to justice system increased.	<ul style="list-style-type: none"> • Mediation & Rapid Response (MRR) • Child Rights Unit (CRU) • Outreach
4. Emergency Support service system established.	<ul style="list-style-type: none"> • Support Services & Half Way Home (SSHH) • Psychosocial Help
5. Advocacy initiatives to influence law and policy reform strengthened.	<ul style="list-style-type: none"> • Communication & Publication • Research (RES) • Legal Advocacy & Policy Reform (LAPRU) • Media and International Advocacy (MIA).
6. Human rights situation addressed to increase transparency and accountability in public institutions.	<ul style="list-style-type: none"> • Investigation Unit (INV) • Documentation (DOC)
6. Capacity of human rights actors enhanced.	<ul style="list-style-type: none"> • Training Unit (TRU)
7. Effective institutional system strengthened.	<ul style="list-style-type: none"> • Accounts & Finance (ACFIN) • Administration (ADMIN) • Planning, Monitoring & Evaluation (PME).

A Day in the Work Life of ASK

Many of the ensuing pages of this report pertain to the work and results attained by individual units in 2009 creating the impression that the various units work in isolation from each other. However, this is far from the truth. In reality, the units work in close coordination with each other for the attainment of objectives central to ASK. Each unit has a vibrant sense of self and is acutely aware of its *special* function, be it raising public awareness about an human rights perspective or assisting communities to organise themselves into effective structures for promoting human rights and justice, or providing mediation and litigation services, or lobbying for the reform of the court system and the judiciary so as to improve access to justice. Ultimately, though, each unit is also acutely aware that its specialisation has relevance only as it contributes to the larger vision and strategies of ASK.

Each day at the organisation begins with the Action Meeting, which is attended by representatives of most of the units. Usually scheduled to start at 9.15 A.M., the meetings last an hour to an hour and half. The central purpose of the meeting is to review media reports scanned by the Documentation Unit to identify instances of human rights abuse nationwide. The scan covers ten national dailies, three weeklies and two quarterlies. It is here that ASK collectively decides on which human rights violations, outside the ones that clients directly bring to the legal aid clinics, it ought to address. The cases chosen tend to be varied, ranging from efforts to use village superstition to cover-up murder to the power claimed by official law enforcement agencies.

Case 1

In May 2006, newspapers were abuzz with the bizarre case of Rina, a young woman in the remote village of Baghpachra, under Shonamuri *Thana*, in Noakhali district. The woman's lifeless body was discovered lying in a shallow ditch near a bamboo grove on 29 August, 2005. The community who attributed it to the work of unearthly demons hastily hushed up her death. It was not until three months later that her father had the strength to rise above public opinion to file a complaint of wrongful

death with the *thana* (police station). However, the police took no action to investigate the matter or file charges against perpetrators leading to a flurry of newspaper reports about their negligence. The Documentation Unit placed these reports before ASK's Action Meeting in early May of 2006.

Although ASK's Action Meeting did not choose to take up the case, its Investigation Unit took the initiative to immediately follow up the incident. It dispatched a team of investigators to Noakhali on May 08. The team discovered that Rina had been in love with the uncle of a friend who lived next door. On finding herself pregnant, and not knowing what to do, she chose to tell her friend of her predicament. Shortly thereafter, Rina met her death.

On further probe the team found that the mysterious death was the work of none other than Rina's lover who had been aided by five relatives.

Once the Investigation Unit filed its report at ASK the Litigation Unit decided to file its report with the police, which spurred the *thana* into probing the incident. Soon thereafter, the police brought formal charges against Rina's lover and five of his relatives. Court hearings were finally held and, on October 10, 2009, four years after Rina's death, the court sentenced four out of the six accused to life imprisonment.

Case 2

On November 15, 2009, the Action Meeting learned of a press conference that had been held by a young man in Madaripur the preceding day. The substance of the press conference was to plead for the safety of two brothers, active in local politics, Lutfor Khalashi and Khairul Khalashi. On November 13, the two Khalashi brothers were unaccountably picked up from a rented home in Rupganj village, Narayanganj district, by a Rapid Action Battalion (RAB) team. Their family was extremely worried because, the previous year, a third brother had been arrested by RAB and subsequently declared dead in "cross-fire".

Immediately after the Action Meeting had decided to take up the case, ASK's Media and International Advocacy Unit submitted a memorandum to the Government appealing for the safety of Lutfor and Khairul.

However, on November 16, newspapers reported that the previous night the two brothers had died in a “cross-fire” during a battle with RAB in Madaripur. RAB denied that it had ever arrested the brothers from Narayanganj or held them in custody. Instead, the force averred, the two brothers had been present at a meeting of a gang of criminals at night. According to RAB, the two met their death in exchange of fire that erupted between the gang and RAB when the latter, alerted about the meeting, took the gang by surprise.

In the uproar created by media publicity, the High Court, at its own cognisance, issued a *rule nisi*, on November 17, declaring all killings by “cross-fire” illegal. For its part, ASK’s Investigation Unit swung into action and began investigations in the field. The Unit’s findings confirmed that Lutfor and Khairul had indeed been picked up from Narayanganj by RAB and subsequently brought to Madaripur before losing their lives. The probe revealed that the brothers belonged to a family, which had long been involved in local politics. The father had

once served as Chairman of the Union Parishod, and Lutfor himself had contested in the recent election to the same post but lost by a narrow margin. Furthermore, Lutfor had not only been charismatic but also highly popular as a local doctor.

ASK’s Legal Advocacy and Policy Reform Unit used the Investigation Unit’s report to join as *intervener* in the case initiated by the High Court’s *rule nisi*. It attached a copy of the report to its brief along with details about 1057 people who had perished in similar fashion since 2004 when RAB first came into being. The High Court responded by directing the Government to prove that ASK’s report on the killing of Lutfor and Khairul Khalashi was false. This, the Government was not able to do (see next article for further details).

Meanwhile, based on the report submitted by the Investigation Unit, the Media and International Advocacy Unit issued several press releases and the Research Unit published a number of articles to support ASK’s struggle against extra-judicial killings.

Improving Machineries for the Administration of Justice: ASK at working 2009

2009 was to be a year of hope. The holding of a remarkably clean general election on December 29, 2008, created a mood of optimism. As the nation contemplated the return to an elected Government the dawning vision was one of a transition to a State that was transparent and accountable, and observed the basic norms required to protect HR. However, expectations were soon to prove to be misplaced.

Throughout 2009, the events and processes unleashed by a tragic mutiny by the Bangladesh Rifles (BDR) on February 25 and 26 shaped much of Ain o Salish Kendra (ASK) work. Subsequent actions by the Government to bring mutineers to account rapidly ushered in a more sombre perspective. Soon, old concerns about arbitrary arrest, lack of due process, use of torture and custodial death by the state returned with renewed force.

The BDR Mutiny

A paramilitary force mainly mandated to guard the borders of the country the BDR had also been deployed in special operations such as anti-smuggling and emergency food distribution. The members had long been chafing at their second-class status relative to the Bangladesh Armed Forces. Simmering discontent over lower pay scales and benefits was aggravated by

the failure of the BDR to secure overseas employment as UN peacekeepers, where pay scales are considerably higher. Rumours about high-ranking officers from the Army systematically embezzling bonuses owed to BDR employees only added to the rage, which avenged itself in the form of a sensational mutiny at Peelkhana, Dhaka, which serves as the administrative headquarters as well as a camp for the BDR.

A total of 74 people perished in the mutiny, among them 57 officers from the Army, many from its top ranks. Among the latter were the Director General of BDR and the Sector Commander of its Dhaka Division. The wiping out of such a large number of experienced, senior officers in a single day was unprecedented. The attacks on army personnel had been particularly brutal. BDR soldiers had vented their fury by severely mutilating the bodies of their victims and throwing them into sewers. Not even the spouses and children of top officials were spared as mobs of mutineers tore through the homes of their superiors at the BDR camp, looting belongings, and killing defenceless women. The horror of it all was made even more gripping because the BDR camp is located in the heart of the capital city. ASK expressed its condolences at the loss of so many lives, including civilians, and urged the Government to ensure justice for those who had perished in the brutal killings.

The government succeeded at first in curbing the spread of violence in Dhaka by offering an amnesty. It was able to limit the loss of life-through political negotiations rather than resort to the use of force. But the mutiny had also spread to other BDR camps across the county, and it took time to restore discipline.

The Government, which had filed a criminal case (65 (2) 09) on February 28, 2009 against the mutineers under the Lalbagh Police Station, subsequently transferred the case to the New Market Police Station, the reason being that Peelkhana fell under the jurisdiction of the latter. In addition, the Government appointed three separate committees, under the Ministry



BDR Mutiny

of Home Affairs, the Bangladesh Army and the Criminal Investigation Division (CID) of the Police, to investigate the mutiny. To date, the committees have yet to publish their findings.

By February 25, 2010, a total of 2,205 personnel including 36 civilians from Peelkhana had been arrested and sent to jail. By April 6, 2010, an additional 1,721 were rounded up outside Dhaka from BDR sector command areas. Media reports soon began to present a grim picture of the treatment of BDR prisoners. It was reported that those arrested were not permitted to receive visits from their families, were subjected to torture during interrogation, and that over a hundred prisoners had been sent to hospitals for medical treatment. Approximately 53 had died in custody, allegedly due to torture.

ASK submitted a memorandum to the Government protesting the denial to prisoners of visits from their families. Such visits were ultimately reinstated but on a case-by-case basis. ASK's Investigation Unit stepped in to undertake a fact-finding probe into the death of four members of the BDR, including Jawan Mubarak and Jawan Mohiuddin. The investigators discovered and reported on signs of torture on the bodies of the deceased BDR *jawans*. ASK's Media and International Advocacy Unit issued eleven press releases publicizing the findings of ASK's investigation and condemning the use of torture. ASK urged that justice and fairness be ensured in the forthcoming trial of prisoners accused of mutiny.

On May 14, 2009, the Government responded by setting up a committee to investigate the deaths of BDR members in custody. In October, the committee confirmed that two of the 53 deaths had indeed resulted from torture. The reference was to the deaths of Jawans Mubarak and Mohiuddin. The police subsequently filed a criminal case with the New Market Police Station against the custodial deaths of the two victims [New Market P.S Case No- 2(10) 2009] and [New Market P.S Case No- 3(10) 2009], respectively.

The mode of holding the BDR trials generated considerable uncertainty – whether the accused would be tried under the provisions of the Army Act, the BDR Ordinance or under the Penal Code. ASK wrote several Op-Ed pieces, published in *Prothom Alo*, which argued that, since the BDR had laws of its own to regulate the behaviour of its members, alleged BDR mutineers were more appropriately tried under the provisions against mutiny contained in the BDR Ordinance. Other individuals and groups raised similar protests. In response, on August 17, 2009, the Government referred the matter to the Supreme Court. Hearings began eight days later on August 25. After hearing ten *Amicus curiae*, the Court concluded that members of the BDR should not be tried under the Army Act, and the Government

subsequently acceded to their trial under the BDR Ordinance and the Penal Code.

On November 15, 2009, the BDR Authority formed six Special Courts under the BDR Ordinance to try its members, accused of mutiny, while continuing with efforts to identify still other members of the BDR who had taken part in the mutiny. Currently, ASK is involved, along with other human rights organizations and activists, in monitoring the procedures of the Special Courts.

Extra-Judicial Killings

Extra-judicial killings have always been of deep concern to ASK. Such killings are inherently abhorrent to civilised society where the state is obligated to protect life. They are also repugnant because they deny citizens the right to due process, and place law enforcing agencies above the law.

National concern over extra-judicial killings has intensified with the formation, in 2004, of Rapid Action Battalion (RAB), an elite anti-terrorism and anti-crime force. A total of 114 persons were killed in custody or suspicious circumstances in 2004. Aside from the sheer number of such deaths, of concern to human rights organisations, such as ASK, has been the lack of credible explanation given by authorities to account for the deaths. Nonetheless, in 2005 the number of such deaths rose to an all-time high of 320 declining thereafter to 246 in 2006, 128 in 2007, and 139 in 2008. The trend continued unabated in 2009 when 110 people perished in similar fashion. The only difference was a substitution in terminology to describe the circumstances of death. Whereas, prior to 2009, authorities claimed that victims had died in "cross-fire", the new term used was "shoot-out" or "encounter".

On June 29, 2009, ASK filed a writ petition (Petition No 4152/2009) praying the High Court to order the Government to take action to deter such killings. In a calculated move designed to pre-empt the Court, lawyers for the Government declared that the state had already put in place measures to put an end to extra-judicial killings. As such, the High Court refrained from issuing a directive and, instead, issued a *Rule Nisi*, to ask why such killings should not be declared illegal and the persons responsible for them should not be brought under criminal proceedings and departmental action. After a brief pause, extra-judicial killings once again resumed. Later the same year, on November 17, the High Court, on its own cognisance moved against law enforcement authorities in one of the most publicized cases of extra-judicial killing. This involved two brothers, Lutfor and Khairul Khalashi, who were picked up by RAB. Fearing that they would be killed in custody, their family held a press conference so as to alert the public about the brothers' situation. ASK sent

a memorandum to the Government expressing concern for the safety of the brothers, while the media published several articles and editorials to publicize their captivity. All these efforts were to prove futile. On November 15, the bodies of the two men were discovered in the Shirkhara area of Madaripur district. The High Court directed the Government to submit particulars of RAB personnel who were involved in such killing and also asked the Director General (DG) RAB to explain the activities of his staff. In response to the Court's order the Government submitted that RAB had not been involved in arresting or killing the two brothers, and that their deaths had occurred under quite different circumstances than reported in the media.

ASK countered with an investigation, which confirmed that Lutfor and Khairul Khalashi had indeed been picked up by RAB from Rupgonj, Narayanganj and subsequently taken to Madaripur where they were killed. ASK then appeared as an intervener in the High Court's effort to have all deaths by "crossfire" declared illegal. In its submission to the Court, ASK attached a copy of its investigative report into the deaths of Lutfor and Khairul Khalashi, along with details about the circumstances under which 1,057 people had been eliminated through extra-judicial killing since 2004.

The High Court took up the matter and asked the Government to prove that ASK's fact finding report and the numerous reports published in newspapers about the killing of the two brothers by RAB were false. The Government was unable to satisfy the Court on the issue. The Court concluded by directing the Government to embark on a fresh investigation of the case and provide a report on its findings. It also issued an order to the Government to ensure that all extra-judicial killings

were immediately stopped. In so doing, the High Court indirectly confirmed what human rights defenders and the press had been saying all along. Ever since 2004, the Government had systematically condoned and covered up extra-judicial killings by its own law enforcement authorities.

Extra-Judicial Penalties

Extra-judicial penalties or *fatwas* instigating violence continued in force in 2009.

The practice of *fatwa* is illegal in Bangladesh. Not only does it involve private citizens taking over the functions of courts and law enforcement but also the punishment meted out through *fatwas* is usually extremely cruel, and violate rights guaranteed under Article 35 of the Constitution to protection from inhuman and degrading treatment

On August 19, 2009 ASK joined four human rights organizations (BLAST, BRAC, Nijera Kori, BMP) to file a writ petition (wp-no5863/2009) against such illegal penalties. The High Court responded by issuing a *Rule Nisi*, asking the Government to show cause as to why its failure to prevent extra-judicial penalty should not be declared illegal and why the Government should not be directed to frame, adopt and disseminate, through Bangladesh Television and Bangladesh Betar (radio) guidelines, directions or orders, as appropriate, against the issuing such *fatwas*. The Court also directed law enforcement agencies and local Government institutions to take steps to prevent extra legal punishments such as whipping, lashing, and beating. Since the Court's order there has been a noticeable tendency for the police to take action against incidents of extra-judicial penalties through *fatwas*.



Rapid Action Battalion (RAB)

Creating better laws and legal Institutions

ASK Efforts in 2009

The year 2009 was very important in terms of both legislative and institutional development. The previous year, the Caretaker Government had promulgated several ordinances to set up a number of new institutions while reforming others. With the instalment of a newly elected government, the laws and ordinances proposed by the previous regime inevitably faced intense scrutiny. ASK, which had been deeply engaged in promoting institutional innovation and reform, found itself compelled to continue its advocacy initiatives in 2009.

National Human Rights Commission (NHRC)

ASK had been in the forefront of efforts to raise public awareness about the need for a National Human Rights Commission (NHRC). The National Human Rights Commission Ordinance was approved in 2007. After reviewing the draft Bill ASK had suggested a number of changes by way of improvement. However, the final ordinance continued to reflect many weaknesses against which ASK had complained. Nonetheless, when the NHRC came into being in September 2008 it was a welcome event. The Government appointed a Chairman and three commissioners to the NHRC and proceeded to allot space for the operation of the Commission in December 2008.

After the new Government came to power in early 2009, the Ministry of Law, Justice and Parliamentary Affairs submitted a revised Bill in regard to the workings of the NHRC. ASK submitted the observations it had made previously on the weaknesses contained in the 2007 Ordinance to the Ministry. Disappointingly enough, though, the 'National Human Rights Commission Bill 2008, which was prepared by the Law Ministry, was almost identical to the 2007 Ordinance with many of its weaknesses. When the Bill was placed before the Parliament, the legislature opted to forward it to the Parliamentary Standing Committee for further review. The Committee proposed several changes to the draft Bill and held consultation with NGOs on July 6, 2009. ASK participated in the meeting and, once again, handed over its written observations and recommendations on the 2007 Ordinance. On July 9, the Parliament passed a new law entitled "National Human Rights Commission Act 2009", which was approved by the President on July 13, 2009. It should

be noted that many, though not all, of the recommendations that ASK had offered were incorporated into the new law.

Outside such forums, ASK continued its efforts to ensure the viability and effectiveness of the NHRC through articles published in national dailies and its own quarterly *Bulletin*. Topics dealt with the qualifications of those appointed to the NHRC, rules of procedure and the allocation of adequate human and financial resources.

As a member of the Asian NGOs Network for monitoring National Human Rights Institutions (ANNI), based in Bangkok, ASK was afforded a unique scope to carry forward its advocacy for the creation of an effective NHRC. ASK's responsibilities in 2009 included producing an annual country report on the functioning of NHRC in Bangladesh for the year. The report was published regularly in a compilation by ANNI.

Right to Information Act

A Right to Information (RTI) Act is essential for transparency and democratic participation. For years ASK has used the electronic and print media, including its quarterly *Bulletin*, to raise awareness about the importance of such an act for protecting and ensuring human rights. ASK has worked closely with other organizations to lobby for such an instrument. In addition, ASK served as a core member of a committee, set up among NGOs, in 2005, to draft a model Right to Information (RTI) Act for submission to the Government.

Public demand ultimately paid off when the Right to Information Ordinance 2008 was promulgated by the Caretaker Government and later ratified by the Parliament on March 29, 2009. On April 5, 2009, the President signed it into a law following which a gazette notification to that effect was published on April 6, 2009. With only three exceptions, all provisions of the Act were made retroactive from October 20, 2008. In cases involving the demand for information, the adjudication of appeals against refusal to provide information, and the filing of complaints with the Commission against such denials filed since October 20, 2008, individuals and agencies were required to submit fresh applications.

With the formation of the three-member Information Commission by the President, the RTI Act went into full effect from July 1, 2009.

Citizenship (Amendment) Act 2009

The Citizenship Act of Bangladesh (1951) was amended through the Citizenship (Amendment) Act of 2009 and came into effect on May 5, 2009. Through this amendment, section 5 of the Citizenship Act 1951 was changed replacing the word 'father' with the words "father and mother", and "wife", with "husband and wife". Although the amendment may seem trivial, it represents the fulfilment of a long-term demand by the public for gender parity. Formerly, citizenship could be conferred on a child or spouse only if the father was a Bangladeshi citizen. In cases involving a Bangladeshi woman married to a non-Bangladeshi, she could not transfer her right of citizenship of Bangladesh to her children. As amended, the law allows the nationality of children and spouses to be equally determined through that of the mother or the father, thereby finally establishing equality between men and women for the purposes of determining the nationality of children.

This is certainly an achievement for the women's movement in Bangladesh, and the fulfilment of a long-held goal of ASK's advocacy efforts.

International War Crimes (Tribunal) Act

Ever since the Liberation War ended in 1971, people of this country have been clamouring for the trial of individuals responsible for committing war crimes and crimes against humanity during the Liberation War. Although the Government had started trials prior to 1975, no steps were forthcoming after the change of Government, 1975 to bring the perpetrators to trial. In 1991-1992 the general public of Bangladesh, under the leadership of Jahanara Imam, the mother of a freedom fighter, set up a People's Court (Gono Adalat) in which war criminals were tried and subsequently appealed to the Government to give effect to their verdict. It was not until 2007, during the rule of the Caretaker Government that the movement for the trial of war criminals re-surfaced. Initiated by socially conscious individuals and a number of well-recognised organizations, including the Sector Commanders' Forum, the movement gained sufficient force and struck enough chords to persuade the Caretaker Government to express their concurrence with public sentiment. This prompted a number of individuals and organizations to file cases against war criminals during the tenure of the Caretaker Government. However, the efforts proved fruitless because under the International War Crimes Act, only the State may file cases for offences of war crimes, genocide, crimes against humanity, and the like.

The Awami League, which had included the trial of war criminals as an important point in its election

manifesto, introduced a Bill in Parliament for trial of war criminals. The Act was passed at the first session of the Ninth Parliament after the elections of December 2008. To facilitate trial, it became necessary to amend the International Crimes (Tribunal) Act 1973. ASK began to advocate for necessary amendments to the 1973 Act so as to ensure its compliance with international standards and forwarded a set of recommendations for amendments to the Ministry of Law. ASK, at the same time, sought to create public awareness about the need for amendments by writing articles in newspapers, the *ASK Bulletin*, and through public speeches at several places.

On July 9, 2009, the Parliament passed a series of amendments, entitled the International Crimes (Tribunal) Act 2009. The amendments incorporated a number of provisions that allowed for the trial of any individuals or group of individuals on charges of war crimes or crimes against humanity committed in 1971. Some legal experts opine that with inclusion of the new provisions, besides individuals, political groups, which had worked against the liberation of Bangladesh, could also be tried for war crimes. Another new provision included in the Act empowers the Government to file appeals with the Appellate Division of the Supreme Court against an acquittal order by a tribunal.

The Act includes a new clause, which defines "armed forces" to mean the forces raised and maintained under the Army Act, 1952, the Air Force Act, 1953 or the Navy Ordinance, 1961.

High Court Ruling Against Sexual Harassment

On June 29, 2009, Ain o Salish Kendra joined two eminent citizens, Professor Serajul Islam Chowdhury and Kamal Lohani, and two human rights organisations, Nijera Kori and Kormojibi Nari, in filing a writ petition against the sexual harassment of four women students of Jahangirnagar University. The four women, who had made complaints of sexual harassment, and two witnesses also signed on as petitioners during the course of the subsequent hearing.

In May the previous year, the four women attending Jahangirnagar University had complained about sexual harassment by their teacher and the Chairperson of the Drama Department, Sanowar Hossain Sunny. The University appointed three separate inquiry committees, which examined witnesses and issued reports with clear findings against the teacher. All the while, the four students continued to face threats and harassment from their teacher. In September 2008, the University announced that Sunny was "exonerated of all charges of sexual harassment as they had not been proved beyond a reasonable doubt". Later, the University proceeded to issue orders for the temporary expulsion of the four women complainants, and two male students who had given evidence in their favour.

The High Court held that the decisions taken by the University to exonerate Sunny on the one hand, and to expel the students on the other, were both without lawful authority. It also directed the University to hold a fresh inquiry into the incident with the aid of independent persons. The Court directed that the new inquiry be based on the new Guidelines on Sexual Harassment, which it had pronounced in *Bangladesh National Women Lawyers Association v Government of Bangladesh and Others* (Writ Petition No- 5916 of 2008). Citing judgments of the Supreme Courts of Bangladesh, India and Pakistan, the Court held that corroboration was not always required to prove allegations of sexual harassment. It further added that the standard of 'beyond a reasonable doubt' was not applicable in cases of this nature, and in disciplinary inquiries regarding allegations of sexual harassment. The Court also noted that Jahangirnagar University authorities had failed 'for reasons best known to themselves' to adopt their own guidelines on sexual harassment and, therefore, in the absence of any applicable law, the High Court's new guidelines should be applied to any fresh inquiry.

Code of Criminal Procedure (Amendment) Act 2009

The November 2007 Code of Criminal Procedure (Amendment) Ordinance, under the Caretaker Government, was a milestone in efforts to create an independent judiciary. Although, in its ruling in the *Masdar Hossain* case¹, the Supreme Court had clearly given directions for the separation of the judiciary and



Genocide 1971

executive, it took almost 36 years after independence to officially bring about the required change. In the interim, ASK played a strong role in advocating the separation of judiciary as a step towards ensuring the independence of the judiciary. ASK statements, writings in the newspaper and Bulletins were directed at providing adequate evidence in support of this claim.

After the present Government took office the Ordinance was made into an Act. Many of the provisions of the Code of Criminal Procedure 1898 have been altered by the amendments of 2007. For example, by amendment of section 6 two types of magistrates have been created, namely executive magistrates and judicial magistrates. The powers and functions of judicial and executive magistrates have been further defined through the amendment of some other sections.

¹ In 1999, the Supreme Court had issued its 12-points directives in the *Masdar Hossain* case to ensure separation of judiciary from the executive. Notable points included: (a) the establishment of the Judicial Service Commission with a majority of members to be recruited, on merit, from senior judges of higher and lower judiciary; (b) Rules to be made to comply with the requirements of Article 115 of the Constitution, providing for the control and discipline of the judicial officers and giving primacy of the Supreme Court over the Executive; and (c) the establishment of a Judicial Pay Commission to ensure the financial independence of the judiciary. *Secretary, Ministry of Finance v. Masdar Hossain*, 2000 BLD (AD) 104; *Secretary, Ministry of Finance v Masdar Hossain* (1999) 52 DLR (AD) 82, *Masdar Hossain v Secretary Ministry of Finance* (2000) 52 DLR, 94-108.

Increasing Human Rights Awareness

ASK's avowed purpose of establishing "an enabling environment of human rights for demanding good governance, non-discrimination and social justice" entails raising awareness of legal and human rights in the society. People tend to hold a fragmented view of their rights and are easily lured into remaining content once basic needs for food, shelter, employment and the like are met. There is, as yet, little appreciation for the benefits of living in a social system where freedom of speech and rule of law prevails. Aggravating this is a pervasive culture of violence and threats of retaliation that prevent victims of human rights abuses from claiming redress.

HUMAN RIGHTS AWARENESS UNIT (HRA)

ASK's Human Rights Awareness Unit (HRA), uses action theatre to persuade members of the general public about human rights approaches. It targets both adults and children.

BOX 1: Human Rights Awareness Unit (HRA)

Result Sought: Human rights awareness increased from grassroots to state institutions.

Methodology

- Organises *school students* into Biddalaya Nattya Dals (BNADs) or School Theatre Teams. The teams perform plays; facilitate competitions in debate, dance, vocal music, speeches, & quizzes; produce & display a wall magazine bi-annually.
- Organises adults, particularly youth & cultural activists from the general community into Manobadhikar Nattya Parishods (MNPs) or human rights Theatre Teams. The teams perform plays for the general public in markets, yards, open places & organize rallies for celebrating landmark days in the national & international struggle for human rights. In cases of human rights violations in an area, theatre teams organise protest meetings & rallies, form human chains, & provide support to victims. MNPs also sponsor an annual human rights theatre festival in each participating district. Such festivals occur around December, close to the timing of World HUMAN RIGHTS Day.

Coverage: 10 districts (see map, p.8) where programmes are concentrated in 4 unions & one municipality town (total 40 unions & 10 municipality towns). Students from 4 schools, in each district, are brought together to form a School Theatre Team (BNAD) (total 40 BNADs). In each union & municipality, local cultural activists are organised into an overarching human rights Theatre Team (10 MNPs).

Inputs Provided: Training in concepts in human rights, gender analysis, leadership & organisational management for all members of MNPs & BNADs. Training in theatre skills, skills in script-development & facilitating discussions. Specialised TOT training for advanced MNP members & teachers who guide BNADs.

Channels: 6-day residential courses for TOT on action theatre for MNPs; 6-day leadership training for BNAD leaders; 6-day residential training for guide teachers on gender, human rights, theatre techniques 3-day refresher training courses in each category. Plus workshops, meetings, hands-on informal training through visits to districts by HRA's core staff from Dhaka.

Staff: 8 full-time staff. Staffs spend two weeks in districts & two in Dhaka every month.

HRA mobilizes school students, youths, and local cultural activists into theatre teams to perform plays and skits. The plays and skits are open-ended so as to stimulate discussion and dialogue among audiences post-performance. HRA provides training to the theatre teams in human rights concepts, techniques for theatre and constructing scripts, and methods for facilitating discussions that follow a performance (see Box 1).

PROGRESS

The year 2009 was an eventful year. Even in the districts, speculation about the policies and directions of the newly installed Government were rife. The catastrophic BDR mutiny on February 25-26 (see "Improving Machineries for Administering Justice") created considerable fear and uncertainty. The consequence was a retreat in public and social life, which led to a slight decline in the number of viewers attending plays performed by HRA theatre teams. Nonetheless, HRA's achievements in 2009 were impressive:

- The unit successfully maintained the long-term trend for a growth in both the number of performances staged and the number of viewers. Compared to 2007, in 2009 HRA theatre teams undertook more performances. Also, a larger number of viewers turned up for the performances than did in 2007 (Annexure: Tables 1 & 2).
- There was growing recognition that the MNPs or human rights Theatre Groups, organised and trained by HRA, were making a valuable contribution to the cultural and social life in the districts. Several well-known cultural groups such as Udichi, Shommilito Shanskriti Jote, and Group Theatre Federation etc. had begun to identify with the MNPs as allies sharing the same values and social goals. They increasingly invited MNPs to their programmes and, in return, faithfully attended the performances, rallies, and protests sponsored by the MNPs.
- Surrounding communities too were increasingly inclined to view the MNPs as organisations that could be counted on to articulate and take up local problems and emerging issues. More and more, community members had started to approach the MNPs to suggest that they take up a new issue and request them to perform plays on the topic for audiences in their area. In many areas, the host assumed responsibility for the added cost of transportation incurred by MNPs.
- Acceptance of the MNPs had grown as was evident from the way the general public had come to *expect* and *look forward to* the annual human rights theatre festivals that the theatre teams organised at district level every year. Also, whereas the festivals used to last one to two days before, in 2009 festivals lasted three days in most districts.
- In 2009, many of the schools that had not already done so, took steps to integrate the activities of BNADs or School Theatre Groups as a mandatory co-curriculum activity for all students, i.e., all students were now required to attend an activity associated with the BNAD programme once a month. Activities included training workshops in theatre production, study circles to learn about a particular human rights issue, the production of the wall magazines that each BNAD operated or an actual performance of a play.
- In 2009, HRA organised the first competition amongst BNADs. Following the competition, the HRA was showered with requests from students and parents of non-targeted schools to start BNADs in schools that were not covered by HRA. In schools where BNADs were in operation, the request was to allow more students into existing theatre teams.
- There is no formal system for regular monitoring of attitudinal and behavioural change among students. HRA relies on feedback from teachers at monthly meetings for information, which indicate considerable positive impact in terms of attitudes towards girls and women, a deepening interest in studies, and a more positive attitude towards taking responsibility in the family and school. In 2009, a focused review meeting was held with teachers in Mymensing district. This meeting confirmed the impression that participation in issue-based theatre, an opportunity to meet and work with students from other schools, the sense of achievement borne from creating and performing plays before audiences contributed a greater sense of self-worth, and the process did much to improve attitudes towards girls and cooperation. Teachers stressed that an added benefit was an improvement in the participation and academic performance of BNAD members.
- Members of both MNPs and BNADs, evidenced a greater sense of identity and pride, and had begun to take more initiative, e.g., they collected funds among themselves in order to underwrite the costs of their transport, small props such as clothing, masks, etc. and, occasionally, lights and sound system when needed.
- An annual national-level human rights theatre festival takes place every March in Dhaka where prominent theatre groups from across Bangladesh, including from ASK, are invited to participate. In 2009, representatives from the MNPs from the 10 districts were much more vocal, and more pro-active in contributing ideas about techniques for message-oriented entertainment production, staging, and facilitating post-performance discussions.
- By the end of 2009, HRA had completed developing a total of 50 MNP members to act as local facilitators of workshops, used to produce new plays and skits. These facilitators were already successfully running

production workshops designed to produce materials for the union level.

- By the end of 2009, a total of 40 Guide Teachers, or teachers who supervise and guide the BNADs or School Theatre Teams, had become sufficiently proficient in facilitating workshops and study circles for students.

Observations, Challenges, Opportunities

- A change in political administrations always produces uncertainties. The transition in 2009 was no different but there was one exception: Expectations of positive change were higher than usual. The return to a democratic form of Government after two years of a semi-military rule appeared to breed unrealistically high hopes that the new administration would do significantly better in doing away with extortion, bribery, extra-judicial killings and extreme partisanship. Consequently, compared to previous changes between ruling parties, the debates and uncertainties that held sway within the MNPs or human rights Theatre Teams were much more intense. What issues should plays deal withand when? How long was long enough to decide whether the new administration was *really* committed to meeting its election pledges for a clean and transparent Government? In the interim, how far should analysis and criticism be taken, and in what tone and language should they be couched? Because school-governing bodies had also changed, the problem even affected the work of the BNADs or School Human Rights Theatre Teams.

- HRA, and leaders of the Central Committee of the MNPs, coped with the uncertainties by holding extensive discussions about the by-laws of the MNPs, and the ethical principles and obligations required of human rights defenders. Consequently, about 40 per cent of the plays and skits performed in 2009 dealt with issues of extortion, corruption, and extra-judicial killings.
- Another problem more forcefully encountered in 2009 was the growing commercialisation of community relations and community involvement through practices adopted by some NGOs. Some of the latter had taken to providing cash incentives to performers. Expectations of monetary inducements seriously undermined the spirit of volunteerism that is so vital to creating human rights activism. HRA has sought to deal with the problems through dialogue and discussion with MNP members, motivating them to consider the long-term benefits of volunteerism.
- In 2009 HRA confronted another emerging issue: Some of the key persons involved in MNPs had begun to move away because of changes in jobs, desire for higher education or marriage. Another factor was that many, who were relatively young when they initially joined the MNPs, had now reached a stage, in terms of age and professional development, where they were anxious to strike out on their own. In some cases, members tended to move away to other areas where action theatre had not yet developed, in order to start programmes of their own. HRA now acknowledged the need for continuous training and extending such training to third and fourth line leadership in the MNPs so as to ensure the viability of MNPs.



MNP celebrates Human Rights Day

2 OUTPUT

Promoting Community Activism

It is a long way from awareness to social activism. The vision, dedication, ability to withstand stress and disappointment, not to mention the organizing skills required of an activist are largely acquired. The Gender and Social Justice Unit (GSJ) is designed to accomplish precisely this — the transformation of human rights awareness to human rights activism.

GENDER & SOCIAL JUSTICE UNIT (GSJ)

GSJ is active in the same 10 districts covered by HRA but concentrates on the villages. Its strategy is to mobilize social opinion leaders and community leaders, especially women, into human rights demand *structures*.

Side by side, the Unit organizes members of district Bar Associations into federations that offer free legal advice to victims of human rights abuse through union based

Legal Camps. In the process, the federations play a key role in assisting victims to avail themselves of the free legal aid programme provided by the Government for those unable to afford legal services. To create a more enabling environment, GSJ also helps establish networks that link community groups and progressive lawyers with Government officials, elected representatives and the media (see Box 2).

Box 2: Gender & Social Justice Unit (GSJ)

Overall Result Sought: Community Activism for Gender & Social Justice promoted.

Specific Result Sought: Community activism for gender justice and social justice promoted.

Methodology: Partnering with NGOs to:

- Organize community leaders and opinion leaders into human rights defenders. At the union level, they are: Manobodhikar Shongrokhon Porishods (MSPs) or Human Rights Protection committees (comprising women & men), and Manobodhikar Nari Samaj's (MNSs) or Women's Human Rights Organisations (members – exclusively women). The function of these structures or CBOs is to monitor human rights violations in the community, collect information regarding individual instances of violation; encourage victims to seek redress; accompany victims on visits to the police station (thana), hospitals, lawyers, and courts; and organize and participate in arbitration sessions (*shalishes*) in cases involving non-criminal violations. In criminal cases, link up victims with lawyers; facilitate access to free legal aid from Government. Such CBOs also issued press releases, letters to authorities protesting human rights violations.
- Mobilise progressive lawyers, practicing in District Courts, into in Manobodhikar Ainjibee Porishods (MAPs) (HR Lawyers Federations). Function of federations is to provide free legal services to victims and advice/guidance at monthly legal camps.
- Create networks linking CBOs and federations of lawyers with Government officials from district administration, departments of social welfare & women's welfare, elected representatives and police to create support for CBOs.

Inputs Provided: Training in relevant laws & their application; where to go for help; types of evidence required in filing complaints, including medical data; how to organise and conduct a *shalish* (ADR – Alternative Dispute Resolution) and follow-up on agreements arrived at therein; list of lawyers (in MAPs) providing *pro bono* services; how to write and disseminate press releases and letters of protest. TOT training to partner NGOs for mobilising CBOs. Training was provided by GSJ, and ASK's Training Unit.

Channels: Six days of foundation training for all members of CBOs. Reinforcement through monthly meetings of CBOs. Specialised training workshops for members of MAPs. Specialised training workshops for elected representatives and administrative officials, especially officials from the Department of Social Welfare, Department of Women's Affairs, and the police. Leaders of CBOs & lawyers' federations also join such workshops.

Coverage: 10 districts as HRA but concentrates on villages outside pourashava town. Total MSPs (women & men): 40; members -1800. Total MNSs (women only): 40; members: 1200. Total Lawyers' Federations: 10, members 300.

Staff: 9 (8 full time & 1 intern for three months)

PROGRESS

Despite the tensions and uncertainties following the BDR Mutiny, GSJ was able to make impressive progress in 2009.

- There was a large turnout at rallies held to celebrate International Women's Day on March 8 -only 10 days after the mutiny had ended in Dhaka. Partner NGOs put in immense effort and energy. Of particular note is that a number of Government officials as well as lawyers joined the rallies. It is obvious that observing landmark days in the struggle for human rights has become institutionalised.
- CBOs appear to have reached a new level of commitment in their activism in 2009. E.g., a number of MNSs (women's human rights organisations) held separate rallies to celebrate International Women's Day in their neighbourhoods. Again, the MSP (human rights federation) of Sirajganj chose to organise a workshop to evaluate the processes and outcomes of 16 *shalishes* (ADRs) in its union. Held on June 25 in Sirajganj, the workshop was attended by a lawyer from human rights Lawyers Federation in the district and gave high marks to the CBOs. The findings of this workshop confirm a general impression in GSJ that CBOs in many of the 10 districts have attained a high level of competence. The workshop commended the CBOs for their dedication to promoting HR, monitoring skills, willingness to assist victims seek justice from first discovery through follow-up. It found that members of women CBOs were remarkably articulate and cogent during their participation in *shalishes* (ADRs). Also, the processes used for conducting such arbitration sessions had changed from being angry and emotional to trusting and calm. Consequently, the agreements arrived at through arbitration were more acceptable to the parties at dispute, and more amenable to being followed up.
- There is a visible change in communities. The monitoring and protest by CBOs have begun to have a deterring effect on incidents of mistreatment and abuse. Awareness that lawyers are on hand to provide guidance and services to victims acts as a restraint. Between 2007 and 2009, the number of *shalishes* declined by 9 per cent from 243 to 221. GSJ surmises that this decline is partly also due to advice lawyers provide to the opposite party at Legal Camps. In cases where a party is clearly in violation, such advice helps to reduce belligerency and lessen the need for a *shalish* (ADR).
- While the level of acrimony in communities has declined, there is a definite increase in the willingness to stand up and assert one's rights. This is particularly true of women in the community who are less inhibited in coming forward to ask for help from MNSs when domestic violence occurs. Also, the demand for legal camps, where lawyers provide advice, has increased. In 2007, 90 legal camps were held but the number had to be raised to 98 in 2008 and 107 in 2009 – close to a 20 per cent increase between 2007 and 2009.
- The change is more visible among women who are members of CBOs. Women CBO leaders now tend to stand up and protest more readily when human rights or women's rights are compromised. One such woman, e.g., called the police when she witnessed drug traffickers at work and subsequently took the law enforcers to task because they had failed to act effectively. Her efforts paid off in the form of an apology from a superior in the *thana*. Another woman shamed her own parents out of their scheme to cajole their daughter-in-law out of her dower. The parents seized on a particularly vulnerable moment to ply their persuasion – the young woman had just witnessed the men of the family return from burying her husband and she was in no state to make a rational decision.
- In 2009, 70 leaders from women's CBOs attended a conference for the first time in their lives. Organised by GSJ, the conference was held at a venue on the outskirts of Dhaka. While the focus of the gathering was on the analysis of the present strengths and weaknesses of the CBOs, the conference soon developed into a remarkably honest sharing of stories of personal defeats and struggles, indicating that the participants had finally acquired the ability to overcome shame and had learned to place individual set-backs in the larger context of uneven gender and social arrangements.
- The CBOs have begun to come into their own. In 2009, five or six of the CBOs initiated steps to have their organizations registered as autonomous associations.
- For their part, lawyers associated with the programme evinced a greater sense of professional pride in their role as *human rights advocates* in the districts - a role usually associated with Dhaka, where the High Court and Supreme Courts are located. In 2009, federations of lawyers raised funds to enable members of their Central Committee to travel to all ten districts to assess needs and discuss the problems faced by human rights lawyers. The tour was seen as a high point in the history of the federations. The growing sense of identity among members of the legal profession working with GSJ is also apparent in the frequency with which such lawyers have spontaneously begun to attend rallies and to drop in to attend training workshops and events, which

are organised for other groups, e.g., Government personnel and elected representatives, without pressure from GSJ.

- More use is being made of funds, which the Government provides to cover the costs of legal services for clients unable to pay for them. Whereas before the funds were rarely tapped, CBO leaders and members of the federations of lawyers now assist victims to access such funds.

Observations, Challenges, Opportunities

The GSJ programme has been in operation for eleven years and provides glimpses into trends that can be expected as awareness raising and community organising efforts mature.

- There is a lot of synergy between GSJ and HRA programmes. Whereas GSJ's activities tend to be concentrated in villages, HRA's activities are more focused on the pourashava towns. However, the two programmes intersect at major events. Members of CBOs organised by GSJ participate in rallies and lend their numbers as viewers when HRA's theatre teams perform plays. ASK staff from the two programmes meet more frequently. These interactions strengthen both the enthusiasm of CBOs and the theatre teams and that of ASK staff working for separate programmes.
- It is still too early to speak authoritatively about the observed decline in ADRs or *shalishes* where the

project operates. However, intuitively it makes sense to expect that during the initial phases of exposure to a programme for raising awareness the number of complaints and requests for ADRs or litigation in courts are likely to increase. Here, "more" (complaints) becomes an indicator of "progress" (greater consciousness and willingness to stand up). However, at a later stage, "more is better" is likely to be replaced by "less is *even* better" - an indicator that the presence of human rights defenders and the availability of legal assistance have a deterring effect on expected levels of human rights violations and abuse.

- ASK's strategy of aligning itself with other NGOs so as to amplify coverage is vulnerable to weaknesses in the NGO sector. Among such weaknesses that were brought to GSJ's attention with greater force in 2009 are: frequent staff turnover in some of the partner NGOs and shrinking donor funding. A more vexing problem is the lack of coordination and consistency among some NGOs, particularly with regard to offering cash incentives for activities that GSJ views as belonging in the domain of volunteerism. Some NGOs pay fees to community members for performing plays, attending training workshops etc. But PNGOs of ASK still hold course in the effort of enhancing volunteerism in the community.



Annual Planning Meeting of MSP

Increasing Access to Justice

The legal aid programme was the core and the *raison de etre* for ASK when it first came into existence. Today, four units contribute to the programme, which provides an array of services relevant to clients seeking free legal aid from ASK. These are the:

- A. Mediation & Rapid Response Unit
- B. Litigation Unit
- C. Outreach Unit
- D. Child Rights Unit

A. MEDIATION & RAPID RESPONSE (MRRU)

Most people in Bangladesh, especially women, prefer mediation (ADR) to litigation partly because it is perceived as being less antagonistic, and partly because litigation is a costly and lengthy process. In response, ASK refers a significant proportion of legal complaints to mediation or ADR.

Mediation, at ASK, deals exclusively with family disputes and disputes arising from the treatment of women workers such as garment workers and domestic service workers. "Rapid response" refers to the rescue of victims of violence, illegal confinement, abduction and other forms of emergency. (See Box 3).

Box 3: Mediation & Rapid Response Unit (MRRU)

Result Sought: Access to justice system increased.

Methodology

- Register & sort complaints at Legal Aid Clinics. Refer criminal cases to Litigation Unit, others to mediation.
- Conduct mediation, record agreements & follow-up to ensure that agreements are adhered to.
- Rescue victims of violence, captivity, abduction, other emergencies arising out of human rights violations e.g., *fatwas*, and threats to arrange a marriage by force.
- Provide first aid, and coordinate trauma and medical treatment at hospitals.
- Provide access to ASK's Support Services and Half Way Homes which offers shelter, food, and sometimes, clothing.
- Regular follow-up by unit's field workers to monitor and ensure that decisions of ADRs are honoured & court rulings, enforced. Monitoring lasts six months.
- Refer clients to Psychosocial Help Component for counselling.
- Provide legal representation and counselling to inmates of a home for vagrants in Dhaka under a special project, which ended in 2009.

Intake Channels

8 legal aid clinics in Dhaka, located in Mirpur, which was started in 1992, Johnson Road (1992), Kamrangirchar (2001), Keraniganj (2005), Dhalpur Outfall Pora Bosti in Jatrabari (2008), Purana Paltan Line (2009) Victim Support Centre and ASK's office.

Staff: 8 lawyers, 2 field workers, 1 unit assistant, 1 intern. Total 12

PROGRESS

As part of a human rights organisation MRR finds it artificial to set targets for activities. Nonetheless, in the interests of maintaining pace and efficiency, setting targets proves to be a useful exercise.

With a total staff of only eleven in 2009, MRRU was able to:

- Exceed its target of providing rescue and rapid response assistance to 320 victims by 31 per cent. It provided such services to a total of 420 victims of violence, abduction and forced confinement. Typical cases of individuals receiving such assistance are: victims of wife battering; domestic workers subject to torture such as severe beating, being set on fire by employers; lactating infants and minor children abducted by fathers; garment workers forcefully confined to the factory, victims of *fatwa* threatened with extreme forms of "punishment", women facing the prospect of being married off against their will.
- Process 2,077 new complaints, respond to 674 through minor assistance, i.e., help paper work and referral to other agencies, register 951 for mediation, refer 132 to the Litigation Unit, and tag and queue 320 complaints, lacking sufficient documentation, for future action.
- Secure the release of 193 inmates of a vagrant home on grounds of illegal arrest.
- Successfully persuade the Commissioner, Dhaka Metropolitan Police, to take administrative action to put an end to arbitrary arrest for vagrancy. As a result, the Commissioner sent out a circular to all police *thanas* (stations) stressing more stringent observation of rules specified by the Vagrancy Act and sections of DMP Act.
- Effectively mediate the claims of 262 clients, recovering Taka 3,972,995 (US \$ 57,580) as dower, child support, wife maintenance etc for them.
- Break new ground in terms of strategy. In 2009, MRR found itself increasingly reaching out to local representatives and law enforcement officials for assistance with rescue efforts. Since 1986 a Woman Ward Commissioner has been assigned to every three wards. Such Commissioners proved to be particularly resourceful in cases involving the abuse of domestic workers. They were able to gain access to the homes of employers more easily than the police or Male Ward Commissioners. The year concluded with a defined impression that local representatives and the police had come to feel a greater sense of responsibility.
- Undertake commissioned research. The Centre for Development Services invited ASK to design and conduct a research study on sex workers. MRR used focus group discussions to collect data in six districts (Jessore, Natore, Rajshahi, Ishwardi, Chittagong and

Cox Bazar). Report writing was preceded by two workshops, the first with lawyers participating; and second involving representatives from the Ministry of Women and Children Affairs, and senior officers of the police department as participants. The purpose of the workshops was partly to strengthen the analytical framework of the report of findings and partly to raise awareness amongst Government officials.

Observations, Challenges, Opportunities

The vast majority of clients who seek help from MRR are women. In 2009, out of the 951 new cases registered for mediation, 97 per cent of complaints were by women. Efforts to increase access to justice for this mix of clients is weakened by limitations in laws, which are biased against women; heavy male dominance in social arrangements and public institutions; and high levels of violence and threats, which deter women from seeking legal redress. In addition:

- The size of staff in MRR is a problem. Although, two new employees will be added in 2010, the *case load* that MRR normally carries is far in excess of its capacity of eleven staff members. In 2009 the Unit was responsible for a total *case load* of 3377, 951 being new complaints and 2426, carry-overs from previous years. The imbalance between *case load* and staff numbers to deal with it affects ASK's ability to increase access to justice.
- Violence against domestic workers —who, nowadays, tend to be predominantly young women — is a growing concern in urban areas. However, responding to the problem is difficult. Such workers are confined to the home of the employer, forbidden to interact with neighbours, and isolated from their families and support systems back in rural areas. At the same time, even socially conscious households are reluctant to report instances of abuse to the police for fear of offending their neighbours. Class ties prove intractable.
- There is a gleam of hope, however. If MRR's experiences in 2009 can be used as a guide, there is scope and opportunity for mobilizing formal institutions, such as Ward Commissioners and the police department, thereby enabling ASK to take a more pro-active role in combating instances of abuse and violence against domestic workers.
- MRR is continuously challenged to adapt to new situations with new strategies, alliances and methods. Patterns of violence vary over time and run like fads. In some years, violence against women takes the form of throwing acid on the face of the victim by disappointed wooers; in others, it takes the form of stalking and taking harassment to such an extreme that young women are driven to suicide.

B. LITIGATION Unit (LIT)

In cases involving criminal law, or where mediation fails or is refused, cases are referred to the Litigation Unit (LIT). LIT's staff lawyers conduct cases in District Courts and the Labour Court. District courts can be located both in and outside Dhaka. Panel Lawyers or external lawyers, willing to provide pro bono services, conduct hearings in the High Court.

LIT plays a crucial role in protecting women facing especially acrimonious disputes that are not amenable to mediation and assisting them to recover dower, child support, and spousal maintenance (see Box 4).

Box 4: Litigation Unit (LIT)

Result Sought: Access to justice system increased.

Methodology

- Conduct cases in court free of charge. Cases involve human rights violations, including human rights violations emerging from criminal offences (violence, rape, murder, torture, acid burns, demands for dowry, polygamy, detention matters, civil revision, criminal appeal etc.).
- Mobilise Panel Lawyers to litigate cases before the High Court. ASK's staff lawyers conduct cases in District Courts and the Labour Court.
- With assistance of other cells/units under Output 4, coordinate a system of comprehensive support to victims, including rescue, first aid, trauma treatment, medical treatment, shelter, food, clothing, psycho-social counselling through other ASK units.

Intake Channels: ASK Legal Aid Reception and cases referred by the Action Meeting.

Staff: 7 lawyers, 1 Court Clark, 1 Field worker, 1 Receptionist (Panel lawyers 6). Total: 10.

PROGRESS

Relative to previous years, LIT's workload was somewhat lighter in 2009. This was due to the end of the collaborative ASK/BRAC project (1998-2008), which required LIT to provide legal services to BRAC clients. Accordingly, whereas between 2006 and 2008 the Unit had filed an average 182 new cases in courts, in 2009 the number of such cases declined to 162 (Appendix A, Table 6). Nonetheless, with only eight full-time lawyers on board, in 2009:

- Lawyers appeared for hearings in a total of 879 cases - 110 cases per lawyer on staff². Of these, new cases

accounted for 162, while the remaining 717 were cases previously filed requiring attendance at further hearings, submission of additional documents, or appeals to court requesting action for the enforcement of previous rulings or decrees in favour of a client.

- Of the 879 cases pending in courts, 101 were closed at the end of 2009 with a high success rate. 75 per cent of rulings were returned in favour of ASK's clients.

Observations, Challenges, Opportunities

- Though mediation or ADR is culturally preferred, there is a defined need for litigation. Out of the 162 new cases filed by LIT in 2009, more than half (90) were on behalf of clients who were referred to the Unit because mediation and rapid response had failed or been refused.
- The majority of LIT's clients are women. Of the 162 new cases filed in courts by the Unit in 2009, 154 involved women clients and only eight complaints were by men. Yet, existing laws are outdated and also fail to recognize women as equal to men in terms of their contributions to the national economy and to the care of the family rights to property and inheritance. Besides legal reform, the promulgation of new laws is needed if women's human rights are to be ensured.
- Adding to the problem is that courts are heavily male-dominated. The majority of personnel in courts are men, and there is little empathy with women. Consequently, in cases involving divorce or separation, it becomes difficult to defend women's rights to dower, maintenance, and child custody. Even cases involving violence and torture of women and children, under the new Nari O Shishu Nirjatan Daman Act of 2000/amended 2003, encounter male bias. Further compounding the difficulties is the inefficiency of the administrative system of both courts and the police. Pervasive corruption and the expectation of bribes for setting up investigations by courts and the police, and scheduling hearings by courts only adds to the malaise.
- Political partisanship also denies justice. If, for whatever reason, a victim is defined as being associated with the "opposition" of a local power wielder, police and court officials close ranks against them.
- Weaknesses in the client system also continue to hamper access to justice. The lack of sufficient appreciation for human rights, the surrounding culture of violence, threats of retaliation aimed at discouraging victims from seeking redress; undermine efforts to create access to justice.

² Lawyers on staff are responsible for most of the data collection and summary needed for cases conducted by panel lawyers.

C. OUTREACH UNIT (OUT)

ASK's legal aid services are concentrated in Dhaka. The Unit was established in 1998, as efforts to extend services and advocacy to the rural areas where needs are even more acute, especially for women. This is largely due to the absence of organisations providing legal aid and services. Development programmes in the rural areas tend to be heavily concentrated in health, education, micro-finance, economic skills building and production.

OUT's main function is to assist other NGOs to replicate ASK's legal aid system. It formalizes partnership arrangements with "Partner NGOs" (PNGOs). The focal

point of OUT's work is to assist a PNGO to establish, manage and operate a legal aid clinic, maintain liaison with a panel of lawyers, practising in the District Court, and provide free legal representation to clients. As with ASK's programme in Dhaka, a large proportion of cases are dealt with through mediation.

The clinic is run by a para-legal staff, trained by ASK. The duties of a para-legal include besides intake, conducting mediations and follow-up, linking clients with panel lawyers and the court. The para-legal accompanies a client for these preliminaries (see Box 5).

Box 5: Outreach Unit (OUT)

Result Sought: Access to justice increased outside Dhaka.

Methodology

- Build capacity of PNGOs to organise and administer free legal aid clinics in districts.
- Organise human rights demand structures, called Community Legal Aid Group (CLAG) in each union. OUT mobilizes opinion leaders, school & collage teachers, women activists, students, village doctors, etc. Their function is to raise human rights awareness, encourage people to seek redress. CLAGs meet monthly. Most of the CLAGs meetings are attended by ASK staff who provide support and ensure that meetings are effectively run.
- Provide training to CLAGs in human rights concepts; training in awareness raising, motivating victims of human rights abuse to seek redress, organising Legal Camps for providing free legal advice to community members, lodging complaints with the police and other relevant authorities, writing letters of appeal and protest as well as press releases.
- Recruit local lawyers to serve as panel lawyers. Panel lawyers offer free legal advice and use available Government funds for the legal defence of the poor to also provide free legal representation in courts. Panel lawyers meet monthly. A panel comprises 8-15 members.
- Develop supportive networks linking elected representatives of Union Parishods, judges, officers from law enforcement agencies, district administration, the Department of Social Welfare and the Department of Women's Affairs with PNGOs, CLAGs and panel lawyers. Purpose of networks is to create understanding and acceptance for OUT's interventions.

Coverage: 7 districts (see map, p. 10). In 6 of the districts, Outreach operates in 4 unions in the *sadar* (main) upazila. In Bogra District, targeted for more intensive intervention, 30 unions in 6 upazila are covered by the programme. Total CLAGs in 2009, 57. Total membership, 2,025, of which 1,080 are men & 945 women. Total panels of lawyers 7.

Inputs from ASK: Inputs to PNGOs comprise training to PNGO para-legal & other staff in gender analysis, HR, family laws, laws pertaining to violence against women; methods for running effective meetings, counselling techniques, facilitating *shalishes* or ADRs, formalising agreements arrived at through ADRs, monitoring subsequent compliance by disputants, drafting & delivering legal notices to disputants and relevant members of the community.

Channels: Intensive training workshops and courses to PNGO staff and CLAGs. Plus on-hands training by OUT staff members, who spend 10 days a month in the field to monitor and provide feedback to clinic staff and CLAGs. To increase interest and encourage community participation, OUT invites advanced members of CLAG to training sessions organised for PNGO staff. Inputs to networks are through meetings and workshops.

Staff: 13 lawyers, 1 IT specialist, 3 councillor (2 full time, 1 part time), 2 Support Staff, 1 Programme manager, 1 Teacher (part time), 1 Matron (Full time), 1 Superintendent, 1 Field worker, Total: 24.

- Finally, shortages in the number of lawyers on board at ASK slows down the pace of work.

PROGRESS

- Analysis of the Unit's activities according to the gender of participants attests to its strong command over gender strategy. Necessarily committed to focusing on women because they are particularly vulnerable to human rights neglect & abuse, Outreach opts to change the *system* in which women are located. This entails reaching out to both women and men through advocacy and efforts to restructure society in order to open up women's access to justice. In 2009, the Unit's programmes were attended by or involved the participation of a total of 25,090 individuals. Of these, 53 per cent were men and 47 per cent, women!
- In 2009, OUT expanded its activities to cover Bogra District for the first time, thereby extending its coverage from six to seven districts. The initiative in Bogra, allows for more intensive interventions. Compared to the other six districts where programmes select four unions from which clients flow towards one PNGO-operated legal clinic, in Bogra the programme has set up six legal clinics that serve clients from 30 unions, five unions per upazila.
- 2009 was a landmark year for OUT in yet another respect. As designed, the OUT programme provides for the establishment of a total of twelve legal clinics, six in the original pool of six districts, and six in Bogra. However, the actual number of clinics increased to 15 because two PNGOs in Hobiganj, on their own initiative, raised funds to open three additional legal clinics. These are now included, in the same training and monitoring services that OUT provides to other clinics and attest to the remarkable progress made by PNGOs in responding to a human rights based approach.
- In an effort to augment the reach of its training, OUT chooses to open access to its para-legal training courses to advanced members of CLAGs and selected members of the staff of PNGOs. An assessment shows that, by the end of 2009, in addition to 21 para-legal staff attached to the 15 clinics under OUT's programme, a total of 101 other individuals from CLAGs and PNGO staffs were potentially able to function as paralegals.
- A number of CLAGs had become sufficiently conscious as to initiate protest against incidents of child marriages, and extra-judicial penalty through *fatwas* in their areas.
- Evidence also suggests that the networks established by OUT with the elected representatives and Government officials have had a positive impact. PNGOs report receiving more cooperation from law

enforcement agencies and Government officials than before.

Observations, Challenges, Opportunities

- On the positive side, there are many hopeful signs. More women in the districts have begun to stand up and complain when their rights are violated.
- However, traditional social perspectives in the rural areas continue to be a problem. OUT and PNGO staff often face hostility from community members who accuse them of leading young girls and women "astray". Valuable time has to be spent in dialogue and discussion to allay fears.
- Most of the judges are not gender sensitive and are biased against women.
- Since the instatement of an elected Government, interference from political parties has increased significantly. When an offender is deemed to be a "party member", the ruling political party prevents arrest by the police.

D. CHILD RIGHTS UNIT (CRU)

Children from poor households are one of the most deprived and vulnerable groups in Bangladesh. Already perceived as inconsequential because of their small size, children's inability to speak up for themselves further shrinks their social stature. Many children in urban areas are compelled to contribute to family subsistence by taking up employment in factories and workshops where working conditions are unhealthy as well as dangerous. Still others are employed as domestic workers in middle class and affluent homes just to relieve their families of the burden of having to house and feed them. Such children are denied not only the right to an education but also even the right to play.

Children are particularly prone to abuse by employers. Employers are viewed as necessarily benevolent simply because they provide employment to children, thereby taking off responsibility for feeding and caring for them from the shoulders of parents struggling in poverty. Consequently, parents prove of little help when child workers are abused. Their sense of obligation to employers, coupled with their own inability to fully see children as vested with unique rights and entitlements of their own, act as constraints.

In attempting to promote human rights standards ASK is compelled to take on the dual challenge of assisting children to develop expression and agency, *and* transforming social attitudes towards children. Failure to address the challenge is to indelibly institutionalise discrimination - the tendency to view *some* people as *lesser* and, therefore, *having fewer claims to human rights*.

CRU, established in 1990, encompasses a comprehensive approach that directly provides education and healthcare to working children. Education is provided through a number drop-in centres that offer non-formal

education, and by facilitating access to mainstream schools once children graduate from such centres. The centres provide First Aid, preventive healthcare through regular visits by a doctor to the centres, and referrals to neighbourhood clinics and hospitals (see Box 6).

Reorienting social attitudes towards children and improving the practices of employers are a major challenge. For effective impact, ASK promotes and develops explicit codes of conduct for employers, favours lists of best practices, and a national system for registering child workers and their place of employment. The organisation works closely with other organisations and NGOs to develop such instruments, and lobby the Government to develop formal policies and regulations that are effective in eliminating child labour in the long run while protecting working children in the interim. In alliance with other child advocacy organisations CRU has been involved in developing codes of conduct for employers of child domestic workers since the late 1990s. The codes are area specific, and are based on conventions used by employers in different parts of Dhaka city. Widely acknowledged as applicable to other informal sector employment deploying children, the codes initially met with indifference from the Government but ultimately found official acceptance. For instance, the National Child Labour Eradication Policy, announced by the Government in 2001, incorporates many items from codes of conduct that ASK formalised based on employer practices in the neighbourhoods of Mirpur, Mohammedpur and Kalabagan in the capital city.

PROGRESS

Initially concentrated in Dhaka city, CRU's programmes are gradually being expanded to cover rural areas from where families are pushed out to urban areas in search for employment. Several unions in Mymensing and Netrakona now benefit from CRU's interventions.

- The drop-in centres and CRU's overall approach have won considerable acceptance from the community. As a result, in 2009 ASK phased out two of the centres, which have now been taken over by the community. The latter has assumed full responsibility for funding and managing the centres.
- 239 alumni of drop-in centres were enrolled in Government schools.
- In 2009, ASK made significant progress in its efforts to develop instruments for protecting child workers. It finalised and published three pamphlets listing best practices common to employers located in the areas of Mirpur, Mohammed and Dhanmondi in Dhaka city.
- Having a system for registering children employed as domestic workers is critical to efforts to ensure their safety. Private homes lack visibility, making it difficult to identify child abuse. CRU has been working on a system for registering child domestic workers in different wards of Dhaka city. Work on the system was completed in 2009 and was put into operation in ten

wards by Ward Commissioners. Plans are to approach the Mayor to extend the registration system to all 90 wards in the metropolitan area.

Box 6: Child Rights Unit (CRU)

Output Sought: Resort to justice increased.

Methodology: Deploys full-time and part-time drop-in centres to:

- Provide education to working children. Offers 2 programmes in non-formal education: a Basic Education for acquiring literacy & numeracy; and a General Education programme. Latter focuses on life skills organised into 12 modules. The modules are: *Myself, My Body, My Food, My neighbours, My History, My Health, My Culture, My Environment, My Beliefs, My Rights, My Country*. Total children served in 2009, 866.
- Facilitate mainstreaming of working children into Government schools through negotiations with schools, sponsorship of funds for fees, books, supplies
- Provide healthcare. First Aid at Centres, check-ups and treatment through a doctor who visits drop-in centres. In more complicated cases, refers children to neighbouring hospitals.
- Offer free legal aid. Cases mostly affect and involve parents. They relate to disputes over divorce, polygamy, abandonment of spouse, refusal to provide child maintenance. Some cases involve the abuse of working children by employers. Part-time legal aid centres exist in 4 of the drop-in centres & facilitate access to ASK's Legal Aid Clinics at various locations.
- Mobilize parents, employers, community leaders & Ward Commissioners to promote working children.
- Organise meetings and workshops for parents, employers and community leaders to discuss problems & needs of working children, their rights under laws & provide training in positive communication skills.
- Develop instruments for awareness raising & improving practice, e.g., maintaining a register of child workers in domestic employment by Ward Commissioners; compilation & distribution of best practices by employers. Examples include allowing child workers time off to attend drop-in centres or family visits, payment of salaries on time, creating small savings schemes for a child worker.
- Network with other child advocates for lobbying for new child protection and labour laws.

Staff: 17 (Consortium) full time, 22 (13 Full time & 9 Par time), SCSD Project, 21 (11 Full time, 10 Part time) Cause project), Total: 60.

OUTPUT 4

Establishing an Emergency Support Service System

Emergency support services are provided by the Support Services & Half Way Home (SSHH) and Psychosocial Counselling component within the Unit.

A. SUPPORT SERVICES AND HALF WAY HOME UNIT (SSHH)

While waiting for proceedings in court or mediation to run their course, survivors of violence and abuse frequently need security and special support by way of shelter, food, medical treatment, and psychological counselling. Some have more extensive needs, by way of economic skills training, aimed at giving them a new start in life. Victims are also likely to suffer from psychological trauma (see Box 7). These extra-legal needs are so critical to legal support that ASK found it necessary to set up the Support Services and Half Way Homes Unit (SSHH).

Box 7: Support Services & Half Way Home Unit (SSHH)

Overall Result Sought: (4) Emergency support service system established.

Methodology

- Maintain two halfway homes for clients. Provide food & shelter. Duration of stays, up to 6 months. For clients needing long-term shelter, Unit arranges housing through other agencies.
- Offer medical care to residents of half-way homes and legal aid clinics through support of a doctor who visits Half Way home daily between 3 PM to 7 PM; and hospitals, when needed. .
- Provide transportation to clients of Half Way homes & clinics.
- Escort clients when needed.
- Raise awareness and self-confidence among clients through client workshops (half day), Organize Awareness Raising Training (3 days), and ongoing communications with staff. Client workshops focus on litigation & mediation procedures, their time requirements, sharing by women who have successfully gone through experience. Organize Awareness Raising Training on family laws, violence against women and human rights awareness.
- Facilitate access to counselling from ASK's Psycho-Social Counselling Unit.
- Provide vocational training for rehabilitation. (15 days to 2 months. Block printing, batik, wax sculpture, embroidery, tailoring, garment cutting).
- Hand-deliver notices of ADR meetings, legal notices to opposite party.
- Follow-up agreements arrived at through mediation and litigation through visits to communities. Follow-up is for 6 months.
- Network with other agencies to arrange for long-term shelter or shelter for families, or for lost or abducted children.
- Build capacity of other NGOs through awareness training, workshops.

Intake Channels: Referrals by Rapid Response and Mediation Unit, Litigation Unit, Outreach Unit.

Staff: 5 in Support Service. 4 in Half Way Home. (Augmented by 9 staff attached to new project in Bogra, implemented by Outreach Unit & SSHH)

PROGRESS

In 2009, SSHH registered 104 new clients, and provided 239 days of bed occupancy, health and medical services to 109 clients; clothing, to 127; facilitated access to counselling for 97 clients; and offered vocational training to nine. A total of 562 clients, new and from previous years, attended orientation and training workshops (Annexure, Table 8).

- Demand by clients for a secure place to live has increased significantly. In 2009, SSHH had to open a second Half Way home.
- Heckling and threats to the staff from the opposite party in a dispute have declined. According to the staff of SSHH, ASK is increasingly recognized as a human rights organization of national standing, which does not compromise on rights. The growing public recognition of ASK has greatly helped to ease the hostility that once greeted staff during field visits.



Discussion on Mental Health of Disenfranchised People

The Psycho-Social Counselling Component offers counselling to ASK clients through a trained practitioner who is employed full-time.

Observations, Challenges, Opportunities

- Small staff size is a critical drawback. The work of SSHH is time consuming. Field staff has to spend considerable time travelling by foot, rickshaw and bus. In addition to visiting communities to deliver notices and follow-up mediation, the unit's field workers are responsible for picking up clients from the Half Way Homes for meetings with ASK units, accompanying them to hospitals and courts. Conditions are increasingly made worse by the heavy traffic congestion, which has overtaken Dhaka.

B. PSYCHO-SOCIALCOUNSELING COMPONENT (PSC)

Counselling is fairly new to Bangladesh. stigmatised because having emotional or psychological problems is associated with being morally weak and, therefore, somehow "shameful". ASK has taken a bold step in embracing counselling as a tool for not only providing support to survivors of violence and abuse but also as a mainstream tool for realizing one's full human potential. The organization was the first to introduce counselling in Bangladesh and, since 1998 has consistently advocated and promoted psychotherapy. This it accomplishes by sponsoring orientation workshops for NGOs that highlight basic counselling theory and the benefits of psychotherapy. For those interested in acquiring counselling skills, PSC organises advanced training workshops that are led and facilitated by qualified psychotherapists from India, Australia and the United States. The efforts have met with considerable success. The demand for counselling skills training has grown among staff belonging to other NGOs.

Box 8: Psychosocial Counselling Component (PSC)

Overall Result Sought: (4).Emergency Support service system established.

Methodology

- Provide counselling by trained staff.
- Refer clients to psychiatrists in NIMH for conditions requiring psychotropic medications and complex cases.
- Advocate need for and benefits of counselling for bringing about positive social change, and rehabilitating victims of violence and trauma.
- Build capacity, i.e., provide training in basic counselling concepts and tools to NGOs with assistance of PSC staff, and organise advanced skills training to staff of ASK and other NGOs.
- Network with other agencies that use counselling such as the Counsellors Association for support, promotion, learning through sharing.

Intake Channels: ASK Rapid Response and Mediation Unit, Litigation unit, Outreach Unit, PWC unit, Victim support centre and Support service & half way home unit.

Coverage: Mostly NGOs in Dhaka & some NGOs in the districts.

Staff: 1 full time counsellor and 1 part time Advisor

Advocacy to influence Law & Policy Reform

ASK's programme is not limited to providing services but extends beyond to legal and policy reforms, and to the functioning of administrative machineries responsible for dispensing justice. Work on the non-services front is carried out with the help of four units in ASK which work in synergy:

- A. Legal Advocacy & Policy Reform Unit
- B. Media & International Advocacy Unit
- C. The Research Unit
- D. Publications & Communications Unit

A. LEGAL ADVOCACY AND POLICY REFORM UNIT (LAPRU)

LAPRU is responsible for filing Public Interest Litigation (PIL) to hold the executive accountable, lobbying with the Law Commission and other relevant ministries and departments. In 2009, the main concern to LAPRU was the Government's treatment of prisoners accused of taking part in the BDR Mutiny, denial of due process to them, and the continued practice of extra-judicial killings by law enforcement agencies (see Box 9).

Box 9: Legal Advocacy & Policy Reform Unit (LAPRU)

Result Sought: Advocacy activities to influence law and policy reform strengthened.

Methodology

- Litigation, including Public Interest Litigation (PIL) in cases involving violation of fundamental laws, which are heard in the High Court.
- Recommending policy and legal reform to relevant authorities, including the Law Commission.
- Monitoring the implementation of judgments from courts and implementation of international instruments.
- Writing letters of appeal to prevent or stop human rights abuses, including through corruption.
- Networking with national and international human rights organisations, and responding to their requests for reports on human rights situation & implementation of international instruments, letters of appeal and protest.

Staff: 2 full-time lawyers, 1 Unit assistant (full time), 1 legal intern, 1 Court Clark. Total: 5.

PROGRESS

In 2009 LAPRU played a catalytic role in promoting ASK's vision of a society based on the rule of law

- LAPRU filed five Writ Petitions and one petition as Intervener. In all six cases, the court found in favour of ASK, as a result of which the High Court:
 - Issued a *Rule Nisi* questioning the Government as to why the extra-judicial killings of 969 individuals under the cover of "crossfire" and "encounter with law enforcement authorities" should not be declared illegal and without lawful authority and why the persons involved with such killings should not be brought under criminal act and departmental action. By filing Writ Petition-4152/2009, ASK challenged the non-accountability and non-transparency of law enforcement agencies.
 - Stayed the eviction of 5,000 occupants of a slum in Mirpur in Dhaka city till disposal of the case because the Government had failed to observe procedures required for an eviction. Co-petitioners in the lawsuit were BLAST, CUP, and Mohammed Monirul Islam and Safia Begum, who belonged to the slum. The case is pending (Writ Petition- 4456/2009.)
 - Issued a show cause against the non-existence of Family Courts in three Hill Districts (Bandarban, Rangmati and Khagrachori) thus denying the right to access to justice in matters involving family disputes to a population of 1.3 million settlers. By joining BLAST in filing Writ Petition 2813/2009, ASK challenged the denial of the right to access to justice to citizens.
 - Ordered law enforcement agencies and local Government institutions to take steps to prevent

fatwas or extra-judicial punishment like whipping, lashing, beating etc. After the Court's order extra-judicial penalties following "*Fatwas*" by the individuals significantly declined. The case filed by ASK, BLAST, Bangladesh Mohila Porishod, BRAC and Nijera Kori is still pending. (Writ Petition 5863/2009.)

- Issued a show cause against the Government's failure to bring the ship breaking industry under the Ministry of Industry as well as protections provided by the Labour Act of 2006. In response to the High Court's notice the Government has moved to draft a new law to protect worker safety in the ship building industry. The case is still pending (Writ Petition 7528/2009.)
- Declared illegal the exoneration of a teacher, accused of sexually harassing four women students, by the authorities of Jahangirnagar University and also declared illegal suspension of the students who had suffered such harassment. (Writ Petition 9414/2008.)
- Issued a *Suo Motu* show cause as to why action shall not be taken against the persons liable for killing two brothers while under RAB custody. The Court directed the Director General of RAB for an explanation of the continued malpractices of his agency. ASK appeared in the case as an intervener annexing 18 fact-finding reports on incidents of "crossfire" deaths and particulars about 1,057 victims of crossfire. The Court directed a stop to all killings in the name of "crossfire" while the case was still pending. (Criminal Misc. 24729/09.)
- When the Government announced its intent to try members of the BDR accused of mutiny by court martial, ASK played a key role in ensuring that BDR personnel are tried under the BDR Ordinance against mutiny instead of the Army Act. LAPRU reviewed the Penal Code, the BDR Ordinance, the Army Act and other relevant laws to urge the Government that, since the BDR was regulated by its own Ordinance, which had legal status in the eyes of the laws of the country, those accused should be tried under BDR Ordinance. The matter was finally referred to Supreme Court, which opined the same.
- Significantly deepened ASK's response to the problems of migrants, both Bangladeshi and non-Bangladeshi. LAPRU wrote four letters of appeal to relevant state ministries and departments in Bangladesh, India, Saudi Arabia and Thailand asking for clemency against the imposition of the death sentence on eight Bangladeshis; the repatriation of 1,100 Bangladeshi and two Indian nationals languishing in overseas jails after their sentences had been completed; and protesting the forced eviction of Bangladeshi citizens

and Rohingya refugees and their subsequent abandonment on the high seas.

- Gave voice to ASK's growing concern about medical negligence and medical malpractice in letters to the Civil Surgeon in 13 districts requesting them to take proper steps against the death of patients due to medical negligence; served a legal notice on the Chairperson of the Bangladesh Medical and Dental Council to take action against the frequent strikes called by medical interns to the detriment of patient care; and a letter to the Superintendent of Police, Bogra District, to take legal steps to halt unqualified practitioners from treating patients.

Observations, Challenges and Opportunities

- Efforts to protect fundamental rights in Bangladesh continue to be thwarted by the blatant lack of accountability. There was a brazen unwillingness on the part of the Government to implement decisions handed down by courts. Mechanisms to ensure that the executive effectively implements directives from the judiciary are lacking. As a result, efforts to end extra-judicial killings, arbitrary arrest, medical negligence or the eviction of slum dwellers are thrown onto a treadmill, and have to be endlessly repeated.
- The problem is aggravated by deficiencies in the official system for dissemination of information about rulings by the High Court.
- LAPRU handles a large workload with a small staff of only four lawyers, including a legal intern. However, in the case of this Unit, small size turns out to be an asset. It leads to better coordination and coherence in the work of the Unit, and strengthens the feelings of solidarity that exist among activists.
- The nature of the work of the Unit in itself brings a sense of satisfaction. Despite the weak implementation by the Government of the decrees and rulings of courts, there is satisfaction when the decisions and directives of courts re-affirm fundamental laws.

B. MEDIA AND INTERNATIONAL ADVOCACY UNIT (MIA)

The Media and International Advocacy unit (MIA) is the focal point for ASK's contacts with the national media, and international human rights networks. It interacts with both the national media and international media. A significant proportion of its work involves liaising with ASK's international counterparts in the NGO sector and in the United Nations. This function entails providing updates of the human rights situation in Bangladesh, responding to requests for letters of appeal and protest (See Box 10).

PROGRESS

- In 2009, MIA issued 55 press releases that attest to the openness of ASK to a wide range of issues and its ability to identify strategically important concerns. Among issues covered pertaining to Bangladesh, were legal challenges surrounding the BDR Mutiny, the repression of journalists, the plight of Bangladesh migrant workers, labour unrest and violent clashes between students at university campuses. Press releases regarding events overseas dealt with the Israeli invasion of Gaza, violation of freedom of expression in Iran, and mistreatment of foreign migrants by countries in Southeast Asia.
- It was encouraging to note that ASK's press releases had begun to attract more attention in the national media. There was a growing tendency for other writers to cite the releases. There was also an increase in positive feedback from readers within Bangladesh and from overseas who call or write to register their appreciation. Op Ed pieces written by MIA find ready acceptance by editors of national newspapers.
- The memoranda and urgent appeals sent out by MIA evince a comprehensive concern about threats to human rights worldwide. They range from appeals for the repeal of the Islamic Criminal Code in Indonesia, the demand for holding trials against war crimes in Israel; protests against violence on women in Saudi Arabia, the condemnation of oppression of Bangladeshi migrants in Malaysia to calls for the restoration of free speech in Iran.
- Feedback from users indicate that they find the ASK website useful, user-friendly and attractive. Although the bounce rate is 36 per cent, there were 9,674 visits from within the country and at least 1,809 visits from overseas. The highest number of visits from abroad is

Box 10: Media & International Advocacy Unit (MIA)

Result Sought: Advocacy initiatives to influence law and policy reform strengthened.

Methodology

National Media

- Issue press releases, reactions to print and electronic media. Appear on TV talk shows.
- Hold press conferences.
- Organise thematic dialogues with journalists.
- Develop & run campaigns on selected issues.
- Maintain ASK website.
- Produce E-Bulletin

International Networks

- Feed information to 10 international networks of which ASK is a member.
- Act as focal point for Bangladesh in the Asian network of NGOs Working on National Human Rights Institutions (ANNI).
- Serve as focal point of the strategic Advocacy Working Groups of UN Human Rights council.
- Respond to global human rights violations through solidarity notes, urgent appeals, memoranda etc.
- Engage with the UN human rights Council by:
 - Endorsing NGO statements re: human rights.
 - Submitting oral and written statements.
 - Sending information to the Office of the high Commissioner for human rights (UN)
 - Providing information required by the Universal Periodic Review.
- Facilitate the Universal Periodic Review Process (UPR) by:
 - Hosting the Secretariat of the UPR Forum, a network of 17 organisations in Bangladesh.
 - Tracking follow-up on UPR recommendations.
- Engage with UN special procedures by:
 - Sending information and forwarding communications.
 - Requesting Government to issue invitations to relevant bodies.
 - Facilitating interactions with civil society during missions.
- Engage with UN treaty bodies by:
 - Compiling and disseminating relevant information.
 - Preparing alternative report to the Committee on the Elimination of Discrimination Against Women (CEDAW).

Staff: 3 full-time staff, 1 intern.

accounted for by the United States (730), followed by UK (392) and India (167).

Observations, Challenges, Opportunities

- Relative to its workload, staff size is inadequate. For two-thirds of the year, the Unit functioned with only two full-time staff.
- Updating the website is a problem. The website could be improved significantly if other units were to provide information more frequently. In addition, the bounce rate needs to be improved.

C. THE RESEARCH UNIT (RES)

ASK's Research Unit (RES) works closely with the Publications & Communications Unit and is primarily concerned with producing information and analyses for ASK's own publications such as the Quarterly *Bulletin* and the annual Human Rights Report. Topics deal with current problems and issues in HR, assessments of the human rights situation in Bangladesh, analyses of laws and policies, implications of recent changes in legal institutions and laws.

RES relies on both secondary sources and primary data collection for its research studies. Primary data collection is based on a variety of research methods including surveys, structured and unstructured interviews, and qualitative probes such as focus group interviews. For the external world RES serves as an important clearing house for organised information generated by ASK's various units, in particular the Investigation and Documentation units.

PROGRESS

The BDR mutiny created an unusually heavy workload for RES. Nonetheless, the Unit was able to:

- Successfully produce the 2008 *Human Rights Report* in a timely manner.
- Complete an in-depth study on the treatment of BDR personnel accused of participating in the mutiny. The study was largely based on a series of interviews, both individual and group, with the family members of BDR personnel who had been arrested but also relied on media reports, law journals and reports of other organisations. The study focused on the tenability of arrests, i.e., whether the predilections, associations, past activities and movements of the accused prior to arrest justified suspicion; the treatment of prisoners, e.g., whether and when family visits to prisons were allowed, whether prisoners showed signs of, or reported incidents of torture; prisoners' access to legal representation; and the legality of procedures used to try BDR personnel such as possible bias in the selection of witnesses.

Box 11: Research Unit (RES)

Output Sought: Advocacy initiatives to influence law and policy reform strengthened.

Methodology

- Produce HR Report. Select topics, write articles, solicit articles from other authors, edit, proof read.
- Research, write up articles for ASK *Bulletin*.
- Provide documents needed for public interest litigation; ASK's national and international advocacy for HR protection, legal and policy reform.
- Compile and supply documents to other ASK units as well as to outside researchers, activists, journalists etc.
- Liaise with national press and keep them updated about HR violations & issues.

Staff: 2 full-time.

- Complete a study on abortion as a right in Bangladesh in law and popular perception. Using a review of existing laws, commentaries and analyses offered by legal experts and social activists, the study went on to directly interview women to ascertain their perceptions of abortion as a right. The findings of the study underlined the tendency, in Bangladesh, to focus on access to abortion more for its implications for women's health than as a right belonging to women.

Observations, Challenges, Opportunities

The imbalance between staff strength and workload was particularly acute in 2009. RES operated with only two staff instead of the usual three, and without a coordinator.

D. PUBLICATION & COMMUNICATION UNIT (CPU)

CPU plays a behind-the-scenes but significant role in ASK's advocacy efforts to reorient public opinion and encourage human rights activism. The Unit is responsible for publishing periodicals, books, and pamphlets bearing ASK's insignia. The focus of such publications is contemporary human rights issues and issues of laws and policy. CPU's periodicals have emerged as an important resource used by members of the legal profession, law students and human rights oriented organisations (see Box 12 for details).

PROGRESS

- Issues of ASK's quarterly *Bulletin* were published on schedule.
- Unsolicited feedback from readers indicated that the contents of ASK's publications were informative, relevant, and useful to human rights defenders as well as lawyers in their normal practice. For example, due to increased demand, the number of copies of the *Bulletin* had to be increased from 5,000 to 6,000 per issue.
- Effectively responded to the demand for information and analyses of the BDR Mutiny and the public outcry for a War Crimes Tribunal to try individuals accused of war crimes during the 1971 struggle for liberation. These two topics dominated the *Bulletin*. Also, one of the two books published during the year by the Unit, pertains to war crimes, and legal requirements for setting up tribunals.
- Published two books, and updated and reprinted 9 booklets.

Observations, Challenges, Opportunities.

- The level of cooperation from other units is high.
- It is risky to publish more than 500 issues of a book because laws change frequently and publications have to be revised.

Box 12: Publications & Communication Unit (CPU)

Result Sought: Advocacy activities to influence law and policy reform strengthened.

Methodology

- Hold meetings with other units to identify emerging issues.
- Select topics and commission authors to write articles, books, and pamphlets.
- Track changes in laws, and identify need to update existing legal handbooks & manuals.
- Organise two workshops annually outside Dhaka for lawyers, law students, activists and NGOs. Workshops are for awareness raising & to identify potential new authors.
- Publish quarterly ASK *Bulletin* (4 issues in 2009), pamphlets (19 in 2009), books (2 in 2009). The *Bulletin* provides updates on changes in laws, analyses of judgments and directives from courts, information about human rights, situation of women, minorities, the environment and international developments in human rights. Selected topics for pamphlets in 2009 were family law, laws pertaining to marriage, divorce, and inheritance under various religions, procedures for a *salish* or ADR.

Staff: 2 full-time, 1 part time in 2009.



ASK Publications

6 OUTPUT

Increasing Transparency & Accountability in Public Institutions

Two units carry primary responsibility for demanding transparency and accountability in public institutions:

- A. Documentation Unit
- B. Investigation Unit.

A. DOCUMENTATION UNIT

The Documentation Unit (DOC) works closely with the Investigation Unit to monitor the human rights situation in Bangladesh and keep other units updated. It maintains a large library in print and audio-visual materials. It scans a number of national newspapers, current issues of periodicals and presents reports at ASK's daily Action Meeting on human rights violations. Follow-up on cases of violations is through litigation, advocacy, and memoranda requesting legal and policy reform (see Box below)

Box 13: Documentation Unit (DOC)

Result Sought: Human rights situation addressed to increase transparency and accountability in public institutions

Methodology

- Collect and compile information about human rights violations, development policies, changes in laws and practices from printed sources.
 - Total books in holding – 8,700.
 - Newspaper clippings. Filed under 35 subject headings.
- Daily scan of ten newspapers and most recent issues of three weeklies and two quarterlies for information about human rights violations and institutional changes.
- Attend a daily Action Meeting to present scan results to other ASK units for follow-up action.
- Assemble special documentation packages for other units to assist with litigation, investigation, research, reports and press releases.
- Prepare monthly statistical charts on human rights violations from newspaper clippings.

Staff: 5 full time staff



ASK's Stall in the Ekushe Book Fair at Bangla Academy

for details). In addition to requests for documents and data from other Units in ASK, DOC also responds to requests from other organisations.

PROGRESS

Because of several public interest litigations, which ASK's Legal Advocacy and Policy Reform Unit filed in 2009, and pressures on the Media and Advocacy Unit to produce

press releases, DOC's workload was heavier than usual. Even so, it successfully:

- Compiled and presented a total of 1,055 newspaper clippings for review at Action Meetings.
- Prepared statistical charts on 16 different categories of human rights violations.
- Map showing the distribution of *fatwa* instigated violence in Bangladesh.
- Responded to requests for information instigated by a total of 496 individuals from other ASK units and external agencies.

B. INVESTIGATION UNIT

The immediate function of the Investigation Unit (INV) is to probe and assess incidents of human rights violations. The Unit responds to requests from the daily Action meeting and also initiates investigations on its own. In urgent situations, the Unit follows up on cases through letters of appeal and protest to authorities. The autonomy allowed to INV enables it to probe incidents that fail to receive media attention, thereby escaping the attention of the Action Meeting. News of such unreported incidents usually comes from letters from victims who write to ASK to plead for help or members of the human rights Defenders Forums that INV has helped establish in the districts. These forums, comprising lawyers, journalists, teachers and students, form the nuclei of human rights defence in non-metropolitan areas, which receive support and training from INV (Annexure: Table 9).

INV staff work under stressful conditions. They are among the first in line to witness the anguish and despair of survivors of violence, and the gruesome injuries of those that don't. Their work involves taking photographs in morgues to record visual evidence of torture and fatal injuries. In the current political climate, the work of INV also involves considerable risk and frustration. The threat of retaliation is endemic while cooperation from Government and law enforcement agencies is less than forthcoming. In 101 incidents investigated in 2009, however, state violence was the leading cause of human rights violations, accounting for 28 per cent of incidents. The next highest category was violence against women, which accounted for 19 per cent (Annexure: Table 10).

PROGRESS

INV's accomplishments in 2009 include:

- A widely publicized investigation into the deaths in prison of Jawan Mubarak and Jawan Mohiuddin, two soldiers of the BDR accused of mutiny. This inquest resulted in stern directives from the High Court against extra-judicial killings. INV's findings of evidence of torture on the bodies of the two victims prompted the High Court to order the Government to undertake an investigation of its own. Upon

Box 14: Investigation Unit (INV)

Result Sought: Human rights situation addressed to increase transparency and accountability in public institutions.

Methodology

- Visit places of occurrence of human rights violation; interview witnesses, suspects, police, Government officials, and local people to collect information, evidence and documents about the violation.
- Send letters of appeal to relevant authorities requesting action against human rights violations. These appeals prove effective in prompting the Government to take action.
- Undertake follow-up visits to places of occurrence of human rights violation to put pressure on public institutions to take or speed up action.
- Make referrals to ASK's Litigation Unit and Advocacy Unit, as relevant.
- Mobilise lawyers, journalists, students and activists into human rights monitoring and demand structures called Human Rights Defenders Forums.
- Provide training in monitoring and investigative techniques to forum members, other human rights activists and groups in districts.
- Attend regular meetings of such forums, scheduled monthly or once every two months.

Coverage: 12 Districts, 12 Human Rights Defenders Forums, 9-12 members per forum.

Staff: 7. Full time.

verifying INV's findings, on Oct 2 and 3 of the year, the police were compelled to file criminal cases in the deaths [New Market P.S Case No- 2(10) 2009] and [New Market P.S Case No- 3(10) 2009]. The same investigation served as source for eleven press releases issued by ASK's Media and International Advocacy Unit condemning the use of torture against prisoners. (See article, *Improving machineries for the Administration of Justice.*)

- A second investigation by INV in 2009 that caused a national stir and had far-reaching legal consequences was its enquiry into the deaths of two brothers and political activists, Lutfor and Khairul Khalashi, who died while in RAB custody. The High Court used INV's report to challenge law enforcement authorities and the Director General of RAB to disprove INV's finding that the Khalashi brothers had been killed by RAB in

cold blood. The legal process thus started, ultimately had the effect of prompting the High Court to order the Government to ensure that all extra-judicial killings ceased (See article, *Improving Machineries for the Administration Of Justice.*)

- The Unit completed more activities than it had targeted for 2009. Specifically, it had planned to investigate 80 incidents of human rights violations but its actual achievement was 101. It had anticipated making 30 follow-up visits to the field but actually undertook 43. As compared to a target of 120 letters of appeal authorities and individuals, the Unit sent 143. Also, INV had planned to conduct two training workshops on investigative techniques for human rights defenders in the districts but three workshops were held in 2009.
- Evidence attests to the effectiveness with which INV has trained and developed the capacity of the Human Rights Defenders Forums in monitoring and investigative techniques. In the unsettling conditions created by the BDR mutiny it was not possible for the forums to meet all the activities they had set for themselves. For example, instead of a target of 70 investigations to be conducted by the forums in 2009, the actual achievement was 55. Nonetheless, given the current conditions, this

represents a commendable achievement, which helped raise the total number of investigations completed under the aegis of INV from 101 to 156 (Annexure: Table 9).

- INV's reports on the results of its investigations are widely appreciated. In all, thirteen of the investigative reports written by the Unit in 2009 were published in the *ASK Bulletin*. An additional four were published in the national press.

Observations, Challenges, Opportunities

- Even though an elected Government has been installed, working conditions continue to be difficult. Victims are afraid to divulge information. While police stations have begun to cooperate and provide relevant information, other agencies are not that forthcoming.
- The Human Rights Defenders Forums proved very helpful in alerting INV about the abuse of human rights in the districts areas. Members take the initiative to make phone calls to report incidents and urge action. Similarly helpful are friends and allies that INV has cultivated among local jurists, students and activists over the years



ASK Library

Enhancing the Capacity of Human Rights Actors

TRAINING UNIT (TRU)

The Training Unit (TRU) trains ASK staff and responds to requests from other ASK units to provide training to Partner NGOs (PNGOs), CBOs and human rights theatre teams in the districts. The primary function of TRU is to create and enhance the capabilities of human rights defenders. TRU's current efforts are concentrated in the districts and focus on enhancing the capabilities of PNGOs to manage systems for running free legal aid, and augment the abilities of CBOs and human rights theatre teams to internalise human rights concepts sufficiently as to be able to and take action against human rights violations both individually and in concert with the community. At present, the units that most frequently call on TRU are Outreach, Gender and Social Justice, and human rights Awareness.

Of late, the Unit has been receiving and responding to requests for training from other NGOs. The contents of training courses are developed after TRU undertakes an intensive needs assessment of the host organisation. In 2009, the Unit devoted two full days to gauge the needs of Zabarang, an NGO based in Khagrachori (See Box below.)

The Unit offers a Foundation course to all incoming ASK staff as well as a number of courses on specialised topics such as gender analysis, specific aspects of HR, and laws pertaining to defending specific rights. Belonging as it does to a legal aid organisation, the thrust of TRU's approach is to use laws, policies and international instruments, such as Muslim & Hindu Family Laws, the Disabled Welfare Act 2001, Bangladesh Labour law 2006, CEDAW, CRC, ICCPR, the and the Rights of Disabled Persons and the like, to focus learning.

PROGRESS

In 2009, the Unit conducted a total of 63 training courses, which were attended by 1,483 participants, a majority, 1,006, being women.

- Observation and monitoring by other units indicated that at least six PNGOs were able to successfully run free legal aid clinics, and mobilise CBOs in efforts to raise awareness and increase the propensity to take action against human rights violations in their communities. The progress is most evident in the

Box 15: Training Unit (TRU)

Result Sought: Capacity of human rights actors enhanced.

Methodology

- Assess training needs through discussions with prospective participants & respective Unit heads.
- Orient new staff at ASK through Foundations Courses (2 days) & training on special issues.
- Train PNGOs, CBOs, community leaders, lawyers, elected representatives.
- Hold study circles in TRU to keep updated with current events & issues.
- Develop materials/modules, i.e. posters, pamphlets, simple visual materials.
- Provide training to other organisations upon request. In 2009, clients were Nijera Kori, the Leprosy Mission Bangladesh, Zabarang, and Concern Worldwide.

Coverage: ASK offices and districts covered by HRA, GSJ and Outreach.

Staff: Total -11. Full-time staff, 9; and 2 part-time interns.

performance of women members of CBOs who had become more articulate in ADRs. There was a significant increase in the acceptance of CBOs by their respective communities because they are seen as being effective in gaining redress for the aggrieved.

- Feedback from participants indicated that 80 per cent of the staff belonging to PNGOs demonstrated increased capacity to respond to human rights violations effectively, i.e., they were able to fill out formal complaints (GDs) at *thanas*, and direct clients to Legal Camps, panel lawyers and courts to seek redress.

- TRU was able to extend its training to other NGOs, many of which have had little contact with ASK or involvement in its programmes. TRU conducted thirteen training courses for other NGOs, among them being:
 - Nine for the staff and group members of Nijera Kori. The underlying curriculum focused on building capabilities for identifying human rights violations, and initiating action in response, e.g., filing complaints with police (GDs). 224 people, almost equally divided between women and men (109 women and 115 men), attended the courses.
 - A three-day training course for the Leprosy Mission Bangladesh (TLMB). The course focused on the human rights of people with disabilities and of women, how to sensitise communities, and how to identify activities to support people with disabilities or who are victims of human rights violations. Twenty-two persons attended the course, 16 men and six women.
 - A two-days training workshop for 20 staffs of Concern World Wide. The objective was to enhance understanding of the relationship between human rights & fundamental rights, how to apply a rights-based approach to an organisation's internal work processes and its interactions in the field.
- Over the years, TRU's focus has gradually shifted from raising human rights awareness among people (including ASK staff), to transforming awareness into action for protection of human rights in communities. Recently, TRU has been preparing for another transition. This involves stepping beyond efforts to strengthen the capabilities of *individuals* and *local communities* to efforts to strengthen the capabilities of human rights defenders in the *country* as a whole. In 2009, internal discussions among TRU staff showed that although the shift in focus requires much more complex strategies and approaches to developing curricula, staff found it less daunting than originally.

Observations, Challenges, Opportunities

- Staff turnover made 2009 a trying year. A number of experienced TRU staff left due to the need to change jobs in the face of the rising cost of living. This resulted in an unusually heavy workload for those remaining. The situation was not easily remedied by hiring new trainers because it takes considerable time to fully orient new recruits to the training concepts, methods and processes of a unit like TRU. At the same time, it is difficult to source the kind of training needed from external organisations.
- Adding to the stress were cost over-runs in 2009. An unexpectedly large number of training events had to be organised for ASK staff. With their concentration in Dhaka and responsibility for responding to work-related emergencies, the training events had, of necessity, to

be held in the city where costs for venues and services are much higher.

- While increased demand for training from other NGOs and organisations is reassuring, it means having to adjust to a new kind of discomfort. For clues about how its courses need to be re-adjusted, TRU relies on being able to observe the effectiveness of its training in terms of changes in the behaviour and actions of trainees in their workplace and community over long stretches of time. This is not feasible in the case of NGOs commissioning training. Here, all that is possible is to assess only immediate results, i.e., whether certain concepts and information was absorbed, acknowledged, and accepted. There is no certainty about how much of the new learning will be retained or lost, leave alone whether it will affect action.

CASE STUDY

Bina, a member of a Manobadhikar Nari Samaj – MNS (women's HR organization) in Sirajganj District, and a nurse by profession, took part in a course on HR and Legal issues. When a girl in her village was found missing, Bina helped by going to the police station to file a "GD" (General Diary), a procedure for officially registering a complaint. When she submitted the GD, the officer on duty looked up in surprise and commented on how professionally Bina had written the report. It had highlighted the key information needed by the police.

Bina attributes this achievement to what she learned from the training from ASK. & the continued supervision by GSJ.



Training on organizational development, management & leadership

Strengthening Institutional System

Responsibilities for strengthening ASK, thereby enabling it to function smoothly and efficiently falls on the shoulders of three units, the:

- A. Administration Unit
- B. Accounts & Finance Unit
- C. Planning, Monitoring & Evaluation Unit

A. ADMINISTRATION UNIT (ADMIN)

The Administration Unit (ADMIN) provides logistical support to ASK, its primary responsibility being to ensure that the operations of the organisation run smoothly. ADMIN is the captain and crew of the ship that carries ASK staffs. While decisions regarding programmes fall to the responsibility of the Executive Director and the Executive Board along with the programme staff, it is the responsibility of ADMIN to ensure the technical soundness, navigation and safety of the ship.

ADMIN ensures that ASK is able to meet all legal and reporting requirements demanded by the Government, Donors, and the organisation's Executive Committee. It maintains

and provides reports on budget inflows, outflows and balances, and coordinates the inflow of relevant data and information required from various units.

The Unit is responsible for leasing and maintaining all physical facilities, equipment, electric supply, and ancillary transport needed by staff to reach points outside the office. It purchases, stores and replenishes expendable supplies from paper, pens, toners, etc. and is accountable for negotiating and managing insurance protecting ASK assets and staff health.

ADMIN is responsible for maintaining personnel files, salary payments, tracking and approving requests for leave.

Box 16: Administration Unit (ADMIN)

Result Sought: Effective institutional system established.

Methodology

- Negotiate & lease space for office building, legal aid clinics, children's drop in centres, half-way homes, including draw up lease agreements, ensure that rent is paid on time, repairs are undertaken promptly, and leases are renewed in a timely manner.
- Purchase furniture, computers, and other office equipment.
- Purchase, store and replenish stationary and other expendable supplies.
- Negotiate, purchase and manage claims in re: insurance protecting ASK assets & staff health plans
- Provide support for meeting ASK's reporting obligations to the Executive Committee, Government & Donors, including ensuring coordination of information from programmes and units for preparing reports.
- Provide administrative support for ASK Executive Committee meetings and AGMs.
- Schedule and organise meetings of all staff (biannually), Directors (monthly), Coordinators (monthly), ADMIN (monthly) and support staff (biannually).
- Prepare and distribute minutes of all scheduled meetings of ASK.
- Develop policies relating to staff entitlements, workplace relations, including staff development.
- Orient new staff to administrative requirements, coordinate & schedule training in ASK fundamentals (from Training Unit)
- Maintain personnel files, process and track requests for leave, authorise and track visits to the field, etc.
- Assist units to develop ToR of consultants and service providers.
- Supervise support staff.

Staff: 5 full-time staff in ADMIN office, 5 IT staff to maintain computers and provide user support, 16 support staff. Total: 26.

PROGRESS

- In 2009, ADMIN completed all tasks capably and effectively.
- Successfully supervised and managed ASK's move into new office quarters. ADMIN's choice of a new location for ASK allows all units to work together under the same roof and has greatly improved inter-unit interaction.
- ASK's gender policy adopted by the EC.
- A number of amendments made to service rules, thereby improving conditions of service.
- Efficiently processed new recruitment.

Observations, Challenges, and Opportunities

- ADMIN occupies a unique position in ASK. In some ways it replicates the "hidden" role women play in the economy. Nonetheless, working in a gender aware environment makes a difference.
- However, with the growth in the number of staffs in ASK the Unit is overstretched. Total staff in the organisation has now reached 205.
- Aggravating the pressures is the absence of a Director for the ADMIN unit for a large part of the year. Despite months of attempting to recruit one the post has remained vacant.

B. ACCOUNTS & FINANCE UNIT (ACFIN)

The Accounts & Finance Unit (ACFIN) manages ASK's finances from the preparation of budgets, to managing payroll, to paying landlords, service and equipment suppliers, and insurance. Like ADMIN, it plays a crucial role in ASK's day-to-day operations and ultimate success.

PROGRESS

Acquired and installed software for managing payroll and provident fund, which will greatly improve efficiency. Major

bugs have been removed. Some difficulties remain but it will take time to weed them out.

Observations, Challenges and Opportunities

- The work environment at ASK is exceptionally good. It is rare for a unit like ACFIN to find such a congenial and cooperative home for its activities. The staff work under immense pressure and until the new accounting software is fully de-bugged, the workload will continue to be heavy. However, the satisfaction of working at such an organisation outweighs the pressures.

C. PLANNING, MONITORING & EVALUATION UNIT (PME)

The Planning, Monitoring and Evaluation Unit (PME) is responsible for preparing project proposals, monitoring activities of Units and providing feedback, liaising with donors, preparing reports, providing logistic support to evaluation exercises whether by internal or external sources, developing formats for programme monitoring, supervising and monitoring the use and performance of a new MIS system for ASK (see Box 18).

PROGRESS

The installation of an MIS system, with six modules for office management and twelve modules for programme management, was completed in April 2009. A company named Analyst with PME providing coordination, logistical support, and feedback from users developed the

- The installation of a MIS system, with six modules for office management and 12 modules for programme management, was completed in April 2009. A company named Analyst with PME providing coordination, logistical support, and feedback from users developed the system. By end of the year, major bugs had been

Box 17: Accounts & Finance Unit (ACFIN)

Result Sought: Effective institutional system established.

Methodology

- Prepare budget, get it approved by ASK's Executive Committee, and the NGO Bureau.
- Monitor expenditures incurred by individual units, and provide monthly reports and balances to them.
- Orient incoming staff to financial procedures. Training Unit provides orientation with ACFIN contributing a resource person.
- Provide financial reports to ASK's Executive Committee, to donors, and NGO Bureau, the Deputy Commissioner of Dhaka District, and the Bangladesh Bank.
- Pay staff salaries.
- Record expenditures and receipts/income, prepare balances, prepare bank reconciliation statements.
- Liaise, maintain correspondence with donors, NGOAB, Banks and other NGOs
- Prepare monthly and annual accounts, and assist auditors with relevant documents, figures and facts.

Staff: 7. Full-time.

cleared and the company is now providing regular maintenance services.

- Completed the Revolving work plan for 2009 and developed the 2010 Operational work plan.
- Compiled and prepared the draft ASK Annual Report for 2008.
- Prepared a report on the organisational change process of ASK, which was submitted to the Executive Committee.

Box 18: Planning, Monitoring & Evaluation Unit (PME)

Output Sought: Effective institutional system strengthened

Methodology

- Compile & analyse data, and prepare six monthly and annual reports for donors; three reports for the Executive Committee and 12 monthly reports
- Annually, develop an operational work plan.
- Develop and prepare new project proposals.
- As input to proposal writing, conduct Logical Framework Analyses (LFA) workshops with staff of implementing units.
- Monitor activities of ASK units, identify deviations and provide feedback on whether the activities are on track, assist with suggestions about how to compensate. Monitoring feedbacks is given to units as well as management.
- Provide feedback on six monthly and annual reports written by units.
- Provide planning and logistical support for field visits by donors and evaluation teams; coordinate work of consultants and facilitate their access to ASK reports, documents and staff.
- Develop monitoring tools and formats for different units.
- Develop methodology for Baseline Survey and provide technical assistance (e.g. finalization of questionnaire, monitor data collection activities including checking, feedback and suggestions to finalize report) to the external consultants.
- Monitor performance of Internet and MIS systems, liaise with external service providers, and inform them about user problems.

Staff: 2. Full-time.

- Prepared activity reports for the Executive Committee.
- Prepared six-monthly project progress reports, and subsequently forwarded them to donors.
- Prepared a summary project proposal and submitted it to DANIDA for a matching grant. Maintained liaison with DANIDA and answered their queries. In January 2009, DANIDA finally joined ASK as a Consortium partner.
- Organised a Logical Framework Analysis workshop in November for a new project to be submitted to European Commission with the partnership of NETZ-Germany.
- Developed the methodology for a baseline survey for the Outreach Unit's PHRD project. Also assisted with technical assistance, e.g., finalisation of the questionnaire, monitoring data collection activities, including crosschecking, feedback and suggestion for report writing.
- Prepared and finalised the ToR for the Midterm review of ASK, finalised selection of the consultant, prepared plans for and accompanied consultant on field visits, set up meeting with units, supplied consultant with documents from units and their feedback to draft report prepared towards the end of the consultancy, assisted in the finalization of the report and forwarded the finalised report to donors.

Observations, Challenges, Opportunities

- Monitoring and evaluation tools are capable of effectively measuring the performance in terms of the impacts of the programmes and PNGOs. At present the major part of monitoring is achieved through observation of the activities of other units and providing monitoring feedback on half yearly basis and by attending meetings and programmes.
- At the same time, there are grounds for optimism. PME was established only in 2007. Initially, it was handicapped by shortage of staff while being assigned major tasks like project planning and budgeting, strategic planning and supervision of the installation of the MIS system. As a result, its responsibility for establishing a transparent and comprehensive monitoring and evaluation system was delayed to some extent. PME is now trying to develop effective but practical monitoring tools and formats, and prepare project proposals for the next phase.

ASK ASSESSED

The complexity of ASK's work makes it difficult to assess its effectiveness. When a human rights organisation sets out to end human rights abuse, what measures do we use to define its effectiveness?

- ASK is committed to enhance access to justice for the disempowered including ending violence against women. Given the lack of a national system for reporting incidents of wife beating, rape, acid throwing and the like, what gauge does one use to measure ASK's effectiveness?
- ASK's long-term dream is to end child labour but humanise working conditions for children in the interim. What measures are there to assess the acceptability of health and environmental conditions at match factories, incense factories or dump sites where children scavenge paper, plastic bags and bottles to sell to the recycling industry?
- ASK's mission is to end corruption and inefficiency in the system for administering justice. What barometer can one use to ascertain whether, and to what degree, the organisation has succeeded in its mission. Moreover, is it within the capabilities of a NGO of ASK's size to undertake such assessment?

More troubling is the question: What are the effects produced, in the short run, by the "effectiveness" of a human rights organisation? Social systems are, by their very nature, live, dynamic organisms. They tend to endlessly mutate and assume new forms. End the exclusion of women from public places but new forms of "exclusion" unexpectedly take its place. Eve teasing and stalking enter the scene and young women take to committing suicide —wilfully excluding themselves from life itself. Try to end child labour and the risk is that girls will be herded in droves into the sex industry.

Instead of attempting to answer our own questions, we chose to turn to others for an assessment of ASK's work and impact. Below are opinions culled from clients, allies, and leading human rights activists in Bangladesh.

I

Shireen Huq
Member, Naripokkho

My acquaintance with Ain O shalish Kendra at its very inception was through Barrister Salma Sobhan who described its beginnings and its vision with immense clarity and great passion. ASK was the organisation women could turn to in times of crisis. ASK would be there to give advice, assistance and shelter. At Naripokkho, we have regularly referred our members, our friends and the many women who approach us seeking legal advice and assistance to contact ASK.

Over the years ASK has grown in scope and stature, and today it can claim to be not only one of the leading human rights organisations in Bangladesh but also on the cutting edge of many issues and debates related to rule of law, fundamental freedoms and state obligations. I would like to specially commend ASK for the voice it has raised to condemn extra judicial killings and punishment and to demand fair treatment of accused persons be it in the BDR Mutiny case or in case of those accused of war crimes in 1971. This is what distinguishes ASK, its commitment to human rights norms and standards irrespective of preference or prejudice.

ASK will undoubtedly continue to uphold the values and principles that underlie the meaning and practice of human rights. The various organisations and individuals engaged in the human rights movement in Bangladesh would do well to learn and benefit from it.

II

Hera, Anonymous

There was no peace in my home. My husband was domineering and very suspicious. I have a job and he was always suspecting that I was doing something wrong with

other men. He would not let me use the mobile (cell phone) and was always abusing me in vulgar language. In his mind, I could do nothing right. What I wanted or thought were stupid. He said I had no common sense.

Two or three times I left my husband and returned to my parents' house. But they always sent me back. My brothers and sisters also told me that a good Christian woman does not leave her husband.

This went on for years. Meantime, I had children. But, finally, I could take it no longer. So, I went to ASK. They listened and, for the first time in many years, I found people who seemed to think that I made sense. I told them I wanted a divorce. Seeing that I had no place to go, they put me up at ASK's shelter home.

Somehow, my husband came to know about where I was. He came to ASK and said he wanted to talk to me. They told him it would all depend on me. I refused to see him. I was surprised that the people at ASK did not argue with me and just let my husband know that I did not want to see him.

He kept coming back. After some time, I agreed to see him but in front of ASK lawyers. The lawyers suggested that we both talk with counsellors in order to help me decide what I wanted. We had some sessions of couple counselling.

The counselling helped a lot. It was the first time that my husband saw that other people gave importance to what I said. What I wanted made sense to them. He began to change.

In the end, I decided not to go for a divorce but return to my home. The counsellor helped me and my husband understand what it was about my husband's behaviour that caused me to be unhappy. For a long time, ASK's field workers used to visit twice each month to check that my husband was keeping his promises, like not calling me names.

Now I can use the mobile phone and have friends. My husband listens to me. Even my parents have started to see me with new eyes. They see me now as a person whose ideas and wants make sense. Somehow, I have become like a leader. They all come to me for advice.

In the past, before my husband left the house for work, he used to tell me what we were going to eat that day and I would do the cooking. Now, I choose what we will eat and do the cooking. Before, he would buy my clothes. Now I shop for my clothes myself.

III

Shahdeen Malik
Advocate, Supreme Court of Bangladesh, &
Director, School of Law, BRAC University.

Ain o Salish Kendra (ASK) has been a citadel of the human rights of the country, for more than two decades. Over the years, it has combined in itself the roles of human rights defender, a service delivery organization and producer and

keeper of knowledge about law and human rights. It has mapped the human rights landscape, provided shelter and support to the distressed, been a pioneer in legal literacy and awareness raising and, in fact, been active in numerous other arenas of law and human rights centred activities and programmes.

Needless to say, it is impossible for one who is not directly a part of or actively involved with the activities of ASK to be able to specifically detail the achievements, usefulness or impact of all the activities of ASK. Nevertheless, one can easily conclude and it is also almost universally recognized that ASK has been one of the best (if not the best) law and human rights related organizations of the country for a good number of years now, and I expect it to continue to flourish and offer effective support and help to a much larger number of disadvantaged and vulnerable citizens of the country in coming years.

IV

Abdur Rashid, General Secretary
Nagar Daridra Bosti Bashir Unnayan Shangshtha
Dhaka

For years, ASK has been giving legal assistance against unplanned eviction to people living in slums. My first encounter with the organisation was on January 2010 when the Government³

suddenly served notice on my *bosti* (slum), Shahidertek Bosti, in the Agargaon area of Dhaka city, to leave our homes. According to regulations, the authorities are supposed to provide an alternative place to settle people before it can close down a *bosti*. However, no such arrangement was mentioned when we were asked to leave.

This happened at the beginning of this year. Although it was night, I telephoned a lawyer working for ASK. He was very friendly and told me to come to his office the next morning with papers, such as such as identity cards, and some people who lived in our *bosti*.

We arrived at ASK the following day. I forget the date but it was a Sunday. In all, I had to make four or five such visits before a writ petition was filed in the High Court. The ground was the human right to shelter and two people from Shahidertek Bosti signed the papers for the case.

The High Court's judgement was in our favour. It ordered the eviction to stop for four months. But soon after that, a Magistrate arrived, along with armed police and a bulldozer, to clear out the *bosti*. Nine people from the slum rushed forward and showed them a copy of the High Court order but got nowhere. The bulldozer tore down several structures.

³ Ministry of Housing & Public Works.

I called the lawyer at ASK and he rushed to us along with three or four other lawyers. He also showed the Magistrate the Court order but the officer paid no attention and the bull-dozer kept on with destroying homes and shops. Seeing this, the ASK lawyer hastily arranged to be interviewed on TV channels and the Magistrate was compelled to appear on TV to answer questions. After that, the slum eviction stopped abruptly.

As a next step, the lawyer arranged for us to meet with the Executive Director and a Member of the Executive Board of ASK. They suggested that we file a lawsuit against the Magistrate for disobeying an order by the High Court. The lawyer asked us to give him photographs of the houses and shops that had been pulled down by the bull-dozer, which we supplied. As a result of the filing of a new case, the eviction stopped and we could return to our normal life.

But the peace we felt did not last for long. In 20 days the original Court order, which had stopped the slum eviction for four months, would lapse. I again approached ASK for help and it helped us file another lawsuit. Two from our slum signed the writ petition. On June 6, 2010, the lawyer from ASK called and gave me a copy of a new Court order. The Court gave the Government another six months to find a place for us to move to. This time, I gave a copy of the order to the Shere-e-Bangla Nagar *Thana*. Our hope was that this would put a stop to the return of city authorities to our slum.

On June 15, 2009, however, another notice arrived from the city authorities telling us that work on evicting the slum would start in 10 days! I again contacted ASK and it wrote to the Government⁴ asking it to withdraw the new notice, which it did.

Being able to keep in touch with ASK at any time and its willingness to help are things for which I will always be grateful.

V

Serajul Islam Chowdhury
Professor Emeritus, Dhaka University

Ain o Salish Kendra (ASK) began as a voluntary organisation and has grown into a large and impressive institution, widening its sphere of activities with several units and programmes. What is remarkable is that it has been able to avoid both bureaucratic dispensation and commercialism. Among the organisations of its kind, ASK is admirably unique in the readiness, commitment and competence with which it responds to human rights abuses whenever it comes across them. Silently, it has worked for

⁴ Letters sent to the Secretary, Ministry of Housing & Public Works, the Inspector General of Police, & the Officer-in-Charge, Shere Bangla Nagar Thana.

sufferers of private and social oppression, and has not, at the same time, failed to react publicly, to cases of abuse by the government.

My first contact with ASK occurred indirectly when a maid working for us wanted, in her helplessness, to know of a place she could go to seek protection for her daughter, against the violence committed, almost daily, by her daughter's husband. We gave her the address of ASK. She contacted the centre, and was happy to find that with the intervention of ASK her son-in-law's conduct showed visible signs of improvement. Later, I have had occasion to participate in workshops and programmes organised by ASK, and had also once been, at its instance, to the High Court to file a writ petition. I was impressed by the dedication and efficiency of the men and women working in the organisation. They are alert and ready. And it has been a happy and meaningful experience for me to have witnessed the pioneering work done by its theatre groups. I have read with pleasure and profit ASK publications, which displayed results of investigations and research.

ASK works, as it is pledged to, for the promotion of social justice. This is an area where violation and abuse continues unabated. They occur not only at the family and social level but also because of the activities of Government agencies. What we need in the country is a social and political overhaul, and ASK, I find, has been working toward that end, without making loud claims. The more we have organisations like ASK the better for us. Meanwhile, let us congratulate ASK on the very helpful work it has been doing and hope others would come forward to follow the role model it has been able to set up, working assiduously.

VI

Professor Muzaffar Ahmad
President, Transparency International
Bangladesh

Ain o Salish Kendra (ASK) is a reputed non-governmental organisation that provides legal aid to the poor and the needy with a sharp gender focus. Women in Bangladesh do not have knowledge and information about their rights in the family sphere and outside. ASK has, over the years, provided information and counselling to women in distress caused by domestic and external conditions. ASK has adopted the age-old practice of *shalish* for marital reconciliation and arbitration to protect the legal rights of women, particularly those from low-income groups.

ASK has gone on to protest human rights violations through public interest litigation in the country's High Court, and against the violation of women's rights and the rights of workers through lawsuits in District Courts and the Labour Court. It has been in the forefront of

efforts to ensure justice with transparency. Without condoning the murders committed during the BDR mutiny last year, ASK raised issues about the treatment and trial of BDR men accused of participating in the uprising. ASK has been active in demanding the establishment of a Human Rights Commission, created last year, and has proceeded to demand that it become active and effective. As an organisation promoting the practice of democratic norms, it has also been visibly active in demanding a transparent society where the culture of secrecy in all sectors, particularly in the Government sector, would be limited by law, and that an effective Information Commission would work independently to protect the right to information, which would, in turn, limit corrupt practices.

Again, ASK played a vital role in demanding the trial of persons who had committed crimes against humanity during the War of Liberation. A Tribunal has been established, and an investigation team and a team of prosecutors are now at work. ASK has demanded that the trial of persons accused of war crimes be fair and just by international standards.

Recently, the High Court has issued a ruling against sexual harassment in the workplace, in educational institutions, and in the domestic sphere. ASK was a party in bringing the issue to High Court, thereby prompting a landmark ruling against sexual harassment. ASK has also worked for the amendment of the Citizenship Act so as to eliminate gender bias, and for the protection of consumer rights.

All said and done, ASK is one of the few organisations active in promoting the rights of citizens, particular women, in the context of an equitable, justice-oriented democratic society.

VII

Anisur Rahman, Founder-Secretary International Migration Alliance (IMA)

Whenever the rights of migrants are violated, ASK is there to raise their voice to protest and fight for remedy. ASK's active support to migrants rights gives encouragement to organizations working for the welfare of migrants. Its help in this respect creates hope that unprivileged people have something to look forward to.

I am a migrant who has returned from abroad and am involved in the struggle for the rights of migrants. I am founder-secretary of IMA, an organisation established in 1997 to work for justice for migrant workers. IMA's struggle faces many threats and much hostility. Migrant workers are poor and lack an education. As a result, there is little public understanding or sympathy for their conditions.

Yet, migrants face enormous difficulties. They pay large fees to recruiting agencies that promise them jobs

abroad. Many have to sell the small piece of land they own to pay Taka 1 to 2 lakhs demanded by recruiting agencies. These sacrifices are willingly made because they dream of jobs abroad that will help them pull their families out of poverty. However, when migrants arrive in the new country many find that the job they were promised does not exist at all. If it does, the wages are much lower than they were pledged. Salaries are not paid in full and are held back. If they protest, they threatened and beaten. Many return home disappointed and poorer than when they started.

ASK is one of the few organizations that have, without hesitation, come forward to assist migrant workers and promoted their organizations both nationally and internationally. The work is not easy. Those who work for the rights of migrants face ridicule and threats.

In April 2009, ASK joined the International Migration Alliance (IMA) in a writ petition against a large recruiting agency to recover wages for migrants workers. The case is still pending. But, meanwhile, ASK has signed an agreement with IMA that commits it to fight alongside for the rights of migrant workers.

ASK's help to migrant workers is not limited to legal assistance but is comprehensive. Women, returning from the Middle East, are provided shelter, food, medical care, and counselling. Many of the women face problems with their families. ASK also provides them with legal aid in family disputes.

ASK does all this because it understands that migrant rights are human rights.