

JUSTICE FOR SAFETY

an initiative for community legal services



The Constitution of Bangladesh declares under the Part III, the Fundamental Rights

‘All citizens are equal before law and are entitled to equal protection of law.’

Bhola district itself is an island and is hardly connected to the other part of the country physically. One can go to the capital from any district and can come back within one day, except Bhola. There are hundreds of outreach islands in this jurisdiction far from the civil facilities and services of the country.

Rule of law by the government agencies or protection of law for the people is hardly visible in these hard to reach communities. It is quite difficult for the people affected by any kinds of rights violation or any crime to think of

taking any legal steps to solve it. There is a general understanding that legal procedure is expensive to afford for a poor.

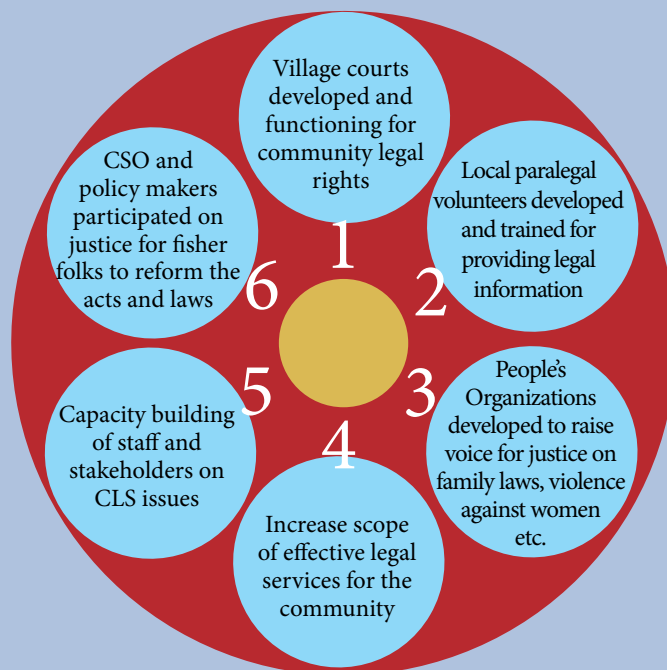
Article 7 of Universal Declaration for Human Rights says, “All are equal before the law and are entitled without any discrimination to equal protection of the law”. Article 8 adds, “Everyone has the right to an effective remedy by the national tribunals if the fundamental rights are violated.”

COAST has been implemented the project ‘Justice for Safety (J4S) is an initiative of Community Legal Services’ funded by UKAID. J4S has been working to provide justice to the people of outreach islands in the coastal area of Bangladesh and to enable them to access the legal facilities provided by the Government of Bangladesh.

6 Outputs

6 outputs to be achieved through the successful implementation of the project and activities taken under it.

There are scope of sustainability of the outputs even after the project ended. For example, there are 75 of community paralegal volunteers, who are the part of the community and are supposed to live in the village for long time and as they are trained on the legal issues are able to serve their own community in future.



A. Case inventory				
Type of cases	Total	Male	Female	Population covered
Through Mediation	454	69	385	908
Through Arbitration Council	7	2	5	14
Through Village Court	39	6	33	78
Total	500	77	423	1000
B. Legal advice and information				
Type of advice	Total	Male	Female	Population covered
Legal information by CPL	2900	515	2385	2900
Legal advice by lawyer	535	57	478	535
Total	3435	572	2863	3435
C. Case referral				
Cases referred to	Total	Male	Female	Population covered
Law enforcing agency	43	25	18	86
DLAC	294	78	216	588
Women Affair's Officer	377	0	377	754
Total	714	103	611	1428

Location of the project

3 upazilas of Bhola districts, Charfasson, Tazumuddin and Monpura.

The entire upazila is covered in Charfasson and Monpura. However, two unions i.e. Sonapur and Malanchara of Tazumuddin is covered by the project activities.





Output 01: Village Court

25 village courts (at the local union council building in the respective area) are facilitated to establish or to reform the existing one. Village courts are facilitated to run at least one day in a week. Forms, registers, signboards and furnitures are supplied to the village courts.

UP members and chairpersons are facilitated residential training on the concept and functionalities of the village court, arbitration council and other legal issues.

It is also facilitated to arrange regular meeting between the UP member, chairman and the people's organization. So that, they can review the activities the services of the village court and can take steps for further development. Project staff facilitate the meeting.

Opinion leaders and important stakeholders of the local community are also invited to the orientation meeting to know about the legal issues. Handbooks and flip-charts are printed on village court to use.



Output 02: Community Paralegals

Around 75 community paralegal volunteers are developed to provide legal information and services to the community people.

Young, energetic and comparatively educated are selected from every unions to cover 3 wards by each of them. They are brought under several residential

trainings on legal issues to capacitate them to serve the community people, specially poor to attain justice.

Handbooks on their duties along with the generic legal issues are printed and distributed to them to be guided by it.

Cluster and quarterly meetings of the volunteers are regularly held for the feedback, monitoring and evaluation of the activities of this output.

Output 03: People's Organization

People's Organization (PO) are formed in every union so that they can closely work with the village court process. PO is the safeguard for people to avail justice.

If administration, law enforcing agency fail to take steps to ensure justice in favour of any poor or disadvantaged PO bring out procession on the street to create pressure.

The project oriented the PO members through workshops and trainings on the people's rights, legislature and role of other stakeholders of the litigation. They are trained to build their leadership capacity to ensure the raise the voice on the ground.

25 PO are established in the 25 unions covered by the project.



Output 04: Increasing scope of legal assistance

Journalists and media play very important role in a society to ensure peoples voice to be heard. Nobel winner economist Dr. Amartya Sen said, free media is a fundamental requirement for democracy.

Local journalists are oriented on the rights and legal issues and are encouraged to publish articles to promote the legal rights of poor.

Free legal advice is provided to the poor by the professional lawyers of the local lower courts. They sit in three places once in a week. Extreme poor victims are also provided financial support for litigation.

“This is a very remote and poverty stricken area and quite far from the law enforcing agency to ensure immediate action for the victims. People regularly suffer from different conflicts and legal rivalry. But, who are poor have nowhere to go for justice. They don't know how to file a case and from which point of view they should stand in the court. We advice them not only to run the litigation, sometimes we financially support them if necessary.”

- Jahirul Islam
Project Coordinator, CLS
Programme



Output 05: Capacity Building

In order to establish the justice and protection of law for the people, it is not enough to train up the project staff about the legislature. There are important stakeholders who should also be equally oriented on the issues.

Journalists of the upazila level are oriented on the environment and human right by the experts on the topic.

Local mediators are brought under training to let them know about the fundamentals of the

legal issues and what issues they can mediate locally and what issues they are not eligible to mitigate.

Permanent staffs of the project are the main focus for this capacity building as they are always on the go when anything happens in the community.

They simulated the complex litigation process and also learned important issues to look at during the local mediation so that human rights are ensured.

Surma survives Child Marriage



Surma with her mother Yasmin.

Surma is a young girl of only 11. With her parents she lives in Nurabad in Charfasson Upazila of Bhola. Babul Sikdar is her father and Mst. Yasmin is the mother. Surma used to go to the local secondary school and read in class seven. She was a bit brighter student than average ones. One morning (19 October 2016) the school teacher noticed Surma is absent in the class. It is quite natural that students in the rural area are not that regular to present. Surma, however, was not that kind. And that's why the teacher got curious about her absence.

He visits Surma's place after school and finds she is secretly married off to some Alauddin of 25 years on previous day. He was shocked and thought he could stop the child marriage had he comes across timely.

He knew about the community legal services and filed a complaint with the local CPL Abul Bashar. The CPL knew very well what to do.

Abul Bashar with his CLS team investigates and immediately notifies the UNO about the marriage. UNO comes to the spot with police and arrests the bridegroom, his elder brother, bride's grandfather and a maternal uncle. No sooner the hearing took place on the spot the alleged sentenced to jail. Surma was happy to get back to school.

Output 06: Research on fisher folks



The major inhabitant of Bhola is the fisher folks. They go to the deep sea for fishing. The outreach and small islands, where the civil and state facilities are hardly available, are the living places of the this fishing community.

This extreme poor community are the most vulnerable and victimized to the violation of rights and a number of crime. When they go to the deep sea for fishing they are always at the risk of attack by pirates.

An empirical research is conducted on the poverty, livelihood and their safety and security by this project. Recommendations

are placed to the leading civil society leaders, policy makers and security stakeholders like coast guard to ensure the rights and entitlements of the fisher folks along with their security.

On top of the research and recommendations, fisher folk forum are established to enable them for advocacy in favour of their community.

The leaders of the forum are trained for leadership capacity building, about the law and state facilities, entitlements for them and overall human rights.





Legal Information

Poster, sticker, leaflet, visibility, day observation and by trained CPL

Legal Awareness

Meetings at community gathering, like Tea-stall, courtyard, school, popular theatre



4 Components

Case Referral

Local mediation, mediation council, village court, women affair's officer, UNO, police, lower court, DLAC, victim support centre



Legal Advice

By professional lawyers from the local lower courts





4 Components

The four components of the project are (1) Legal Information; (2) Legal Awareness; (3) Legal Advice and (4) Case Referral.

1. Legal Information

There were some rhyming words in the posters stuck on the walls, in tea-stalls and other public gathering places saying, 'It is the government to bear the cost of litigation for the poor'. It was the first and foremost challenge to inform the people of the small, remote and outreach islands that there are facilities for them in the courts and even inside their community (the paralegal volunteers).

A hotline number is printed on the posters in big fonts, so that anyone can call for assistance. In general, there is a fear about litigation among the common people in the country, let alone the uneducated people with less information live in the islands in the Bay of Bengal and the Meghna estuary.

Providing this information, the project broke the shackle of fear. Village courts are reformed

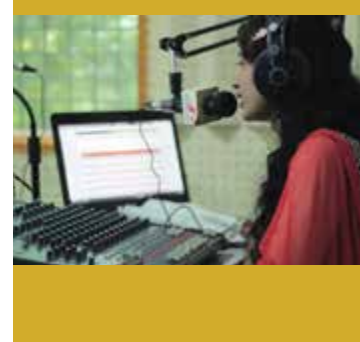
and are in function. Local mediators are trained on the legal procedure.

Community Paralegal volunteers who cover 3 wards under the unions, sit in a particular place on a regular basis once in a week. Legal supervisors sit in an allocated room in the union council building every Wednesday. Both the volunteers and supervisors provide all sort of legal information to the community people whoever come to them.

They also provide information about the available legal services by government and non-government agencies.

It was found in the rural and remote areas in the country that the local mediation offered a raped girl to marry the rapist and live her life with him. Now the mediators are oriented through consecutive trainings that a rape case must come to the court.





2. Legal Awareness

Awareness building is quite extended activities in comparison to providing information. It is about the behavioural change of the community people. Breaking the long practiced and believed concept is really effort-some.

The trained paralegal volunteers visits door to door under his/her allocated area i.e. 3 wards and discuss with them. They listen to the family members of different ages and answer according to their questions.



There are Interactive Popular Theatre (IPT) shows take place inside the villages, on the school field or any open spaces that can accommodate hundreds of spectators. Legal problems and resolutions are portrayed through funny and ironical or sometimes emotional stories. The audience are often invited to interact, they are asked some quiz based on the show and they answers with great enthusiasm, especially children.

Local community radio, Radio Meghna, broadcasts programs on legal issues. Sometimes there are phono-live programs to advice the listeners about their disputes.

Quiz or debate competition in schools create awareness among the adolescent boys and girls about sexual harassment and other right violation and facilities to get solutions like the UNO can punish on the spot for harassment or can stop a child marriage.

These activities bring behavioural change of the target people and break the misconception gradually.

3. Legal Advice

This project has some facilities of providing legal advice to the beneficiaries of the project.

First of all the community paralegal volunteers live in the neighbourhood of the beneficiaries and their approach is always having the open door for everyone at 24 by 7. They provides the primary information, what to do initially.

Senior officials, legal supervisors sit every Wednesday at the union council building to provide the plaintiffs initial consultation for litigation.



On top of that, the project arranges 3 professional lawyer sit in three places in three upazilas i.e. Charfasson, Monpura and Tazumuddin. They advises the plaintiffs or the defenders on where to go for their particular cases, what papers do they need and how to file the cases.



4. Case referral

There are different places to refer the cases come to the project staff or lawyer for mediation or litigation.

Cases with family dispute are normally expected to be solved in the local mediation process. It could be mutually solved negotiated by any local mediator like UP chairperson, member etc.

The other places or facilities to refer the cases are: mediation, village courts, mediation Council, UNO (Upazila Nirbahi Officer), Upazila

Women Affairs Officer, Police Station, Victim Support Centre, District Legal Aid Office (DLAC), lower courts at district or upazila level.

Sexual harassment, eve-teasing, family dispute, land disputes, dowry, violence against women (if not severe) could be solved by the UNO or Upazila Women Affairs Officer by punishing on the spot or by mutual negotiation in the presence of both parties. But in case of severe crimes it is referred to the courts for litigation.

In that case, extreme poor beneficiaries are entitled to get some financial assistance for the litigation process or treatment. The project also helps the poor and entitled people to get the government facilities in different government office or agencies like victim support centre or district legal aid office.

“Sometimes we see people come to the courts for very small disputes which can be easily solved by mutual negotiation or in the local mediation process. But they do it only for their ego. Sometimes we find that the plaintiff or the defender is not happy with the judgment we sentence. They go for appeal. It is nothing but wasting their money and valuable time.

We recommend to strengthen the local mediation process and to provide more facilities to the village courts so that people don't need to come for the litigation in the district courts. The judiciary is already overloaded with the thousands of pending cases. Strengthening local arbitration could really change the society.”

- **Ferdous Ahmed**
District and Session Judge, Bhola





Sustainability of the outcomes

In the development projects in Bangladesh, the main challenge is the sustainability of the outcomes. In many projects a number of effective outcomes are seen and quite a few times those are very innovative and essential. However, when project ends it goes in vain.

In this project there are a number of sustainable outcomes, which will be in function even if the project no longer extend.

Community Paralegals (CPL): The best achievement of the project is the 75 trained CPL who are recruited from the community when the project was initiated. A number of residential trainings they went through on different legal topics to be able to serve the beneficiaries.

Every union has 9 wards in its jurisdiction. One CPL is to cover 3 wards each and this is just a neighbourhood for them to go every door every now and then and to interact. Thus 25 unions covered by the project produced 75 volunteers.

CPL has got a well designed printed handbook for their use as a guideline to carry forward. They also worked directly under professional lawyers and got a great opportunity of learning by doing. This is how they got equipped with legal knowledge and experience.

If the project doesn't extend, these CPL will

remain in the community to carry on providing the services. It is also financially feasible for them to sustain without the project if they can take this as their profession in future.

Trained local mediators: The remote rural areas have a culture of local mediation for ages. It is seen before, the religious leaders, aged and educated persons in the community used to take over to mediate the disputes arises. For not having enough knowledge and concept on the law and human right issues, it is also seen sometimes the mediation went wrong. Instead of remedy, it further violated the rights of the victims especially of women. There are instances of rape cases wrongly addressed and that's why the High Court stopped the Fatwa system few years ago.

However, it is not possible to take every dispute to the courts as it is expensive and some people simply can't afford it and on the other hand it takes time. The lower and higher courts of Bangladesh have thousands of pending cases to be solved.

That's why, it is important to capacitate the village courts to solve the disputes that can be mutually solved with the presence of the parties. This is what the project has done with a priority. The local mediators are brought under several trainings on what they can do and what they can't. For instance, a rape case must be brought into courts. It can't be solved in local mediation. Cases involving a cost of more than 75 thousand Taka should be taken to the courts, etc.



Major achievements

- An empirical research on the fisher folks, who are the major inhabitants of the remote islands of Bhola, is conducted. Some important findings and data are gathered to learn detail about their lives and livelihoods, their challenges of living, alternative options of income during the seasonal fishing ban etc. There are some important recommendations for their safety and security especially when they go to the deep sea for fishing and get under risks of pirates. Policy maker, law enforcing agencies at the coast line are engaged through district and national level seminars and advocacy initiatives. The issues pertaining to the fisher folk are taken into account for steps to be taken.
- 25 village courts are reformed and functioned again to serve the people for their dispute resolution. Registers, forms and all necessary papers are provided by the project along with the furniture to decorate the court sessions. Once the village courts started functioning people's trust on state legislature and rule of law began to establish.
- People's Organizations are formed. This is a pro-people idea to ensure justice and people's right in the remote area where administration and law enforcing establishments are hardly visible. If for any reason, right of the justice seeker is not ensured the people's organization raise voice in favour of the plaintiff or defender and put pressure on the policy makers. There are instances that the local influential tried to save the criminal by depriving the victim. PO brought out demonstration on the street and got the attention of media. And, eventually, the administration took serious action to solve the issue.
- A satisfactory awareness is created among the people that broke the shackle of a wrong concept that justice in litigation is out of the reach of poor people. Now people know, government has several services for the poor in the district legal aid office. There are also several non-government services for legal advice and other services for them to avail justice if right is violated.
- Awareness among the school boys and girls is another important achievement. Especially the adolescent girls in the rural areas are always at the risk of child marriage and sexual harassment (commonly known as eve-teasing). Now the girls know that they can directly call the police or go to the UNO to stop these and continue with their education.
- People have a number of options to get immediate action from the administration and law enforcing agencies i.e. trained local mediators, village courts, mediation council, UNO, Upazila Women Affairs Officer, Police station, victim support centre, lower courts along with the non-government legal services. There are also some financial supports for extreme poor for litigation.



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