

Examples of an Ongoing Struggle Stories from Ain o Salish Kendra (ASK), Bangladesh

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Without laws and procedures that meet human rights standards, the demands by individuals and civil society fall on deaf ears. Conversely, the most enlightened body of laws and legal procedures become irrelevant when individual citizens are unaware of their rights and fail to claim them. Ain o Salish Kendra (ASK) is an organisation from Bangladesh committed to bring large-scale, comprehensive and sustainable change in society. It aims to capacitate society to understand, value, maintain and protect human rights at the individual, institutional and societal level.

The challenges in bringing changes

When the culture of a given society considers women, ethnic and religious groups as inferior, condones violence and retaliation in personal as well as social relations, or accepts corruption in law enforcement and the judiciary as 'givens' of human nature, the most intelligent individual is constrained from developing a robust sense of her or his own rights and the most 'developed' society is severed from notions of equality and dignity of all citizens and the rule of law.

ASK was established almost 30 years

ago. Based on its experience over this long period, it has learnt what building blocks it has to put in place to anchor the work it does. From its very inception it has striven to remain deeply rooted in the lives of people and in addressing their rights.

Even when it acts as a collective platform for reporting on the human rights situation in Bangladesh to international forums, or is called upon by regional networks to assess the performance of the National Human Rights Commission (NHRC), or to comment on draft legislation proposed by the Government, its day-to-day insights into what is needed to create a human rights based society are shaped by its first-hand experiences in 30 districts of Bangladesh through its programmes.

Such embeddedness in the lives of ordinary people has helped ASK to develop solid respect for the built-in resistance offered by society to any attempts to remould it. ASK is well aware of the inherent resistance to change society and understands the crucial need to balance its optimism with pragmatism, patience and persistence.

Society, after all, is a living organism with a life and momentum of its own. While forever mutating and prone to assuming new forms, it is, at the same time, indelibly resistant to external attempts to transform it. Ever seeking to maintain its

integrity, a social system uses subversion to mock efforts to impose change.

Attempts to emancipate women from confinement of the home and the 'shadow economy' of home-based, socially undervalued economic production, and old forms of gender oppression metamorphose to assume new forms—stalking, which leads some women to suicide, sexual harassment at the workplace that prevents women from taking the initiative in suggesting innovation, or the segregation of women into positions with low decision-making powers and remuneration in august firms and gleaming corporations. Stop child labour and soon young girls find themselves driven into the sex industry. Introduce new technologies in hopes of opening up new portals to vast stores of knowledge and information for children, and society seizes the same technology to spawn child pornography and addictive video games.

ASK's efforts

ASK works on a variety of issues, through different programmes and on different levels. To be able to better understand what it does, the following section will introduce different strategies that ASK undertakes combined with specific examples of particular activities.

• Ending impunity and promoting access to justice

Reports of extra-judicial killings by law enforcement agencies over the last two decades and enforced disappearances in the last couple of years have posed a

serious threat to the citizens' right to life and liberty in Bangladesh. Human rights defenders (HRDs) have been deeply concerned because State impunity given to perpetrators undermines the rule of law and the system of justice.

ASK's Units have contributed collectively to a multi-pronged campaign to challenge the impunity of law enforcement agencies in the courts by: filing writ petitions; investigating allegations of extra-judicial killings or disappearances; researching, documenting and monitoring human rights violations; and publishing articles in the media, in its quarterly bulletins and in its annual human rights reports. ASK members and staff have raised the demand for judicial redress on TV talk shows, in website publications, international seminars, conferences, etc. Reports have been sent to UN Special Rapporteurs and other international organisations, and have been included in the Universal Periodic Review (UPR) Reports submitted in 2008 and 2012.

• Ray of hope after a prolonged nightmare

Limon Hossain, a 16 year old student was shot in the leg by personnel of the Rapid Action Battalion (RAB) on 23 March 2011, while he went to fetch family cattle from a field near his house in Sathuria village, Rajapur Upazilla, Jhalakathi district. He was rushed to the hospital and survived. However, four days later his leg had to be amputated at the Dhaka National Institute for Traumatology and Orthopaedic Rehabilitation, as the tissue was too damaged due to excessive bleeding

caused by delay in treatment after the shooting.

However, on 23 March 2011, the RAB filed two cases against him: one for possession of arms; and another for obstructing law enforcement in their duties, as well as for attempting to murder and injure RAB personnel.

Limon's mother, Henoara Begum filed a First Information Report (FIR) – a written document prepared by the Police upon receiving information on the commission of a cognisable offence – on 10 April 2011 with the Police, accusing six members of the RAB-8 Unit of shooting her son. When Limon's mother tried to file her complaint against the RAB, the police did not register this until the court ordered them to do so. The Director General of the RAB issued a statement on 11 April 2011 admitting that Limon had been shot accidentally. Then after over a year of delay, the investigation report of the Police in Henoara Begum's case – the case filed by Limon's mother – absolved the RAB from responsibility in shooting Limon.

The Government formed five investigation teams, but none of the reports were made public. In the police investigation, Limon and his family were not interviewed or questioned by concerned investigators. After delayed submission of charge sheets and numerous postponed court hearings, 18 months later the police investigation report cleared RAB personnel of their involvement in the case citing that there was no evidence.

On 5 May 2011 a High Court bench granted bail for six months to Limon related to the case of arms possession, following a bail petition filed by ASK. At the same time it directed the Government to arrange his treatment at one of the country's best hospitals as per Limon's choice. On 22 August 2012, ASK demanded immediate, an impartial and judicial inquiry on Limon's case through a statement. It argued that if Limon did not get justice, it would set a negative example in society and frustrate the nation's aspirations for democracy. ASK highlighted the importance of promoting and protecting human rights and particularly the constitutional right to life and equality under the law. ASK along with HRDs from the Jhalakathi district and other support groups provided legal aid, medical and other support to Limon Hossain in his fight for justice.

Finally on 10 July 2013, the Government decided to withdraw the two cases filed by the RAB against Limon Hossain and issued a gazette notification on 11 July 2013. On 30 July 2014, a Judge of the Jhalakathi Special Tribunal-2, accepting the appeal of the prosecution, ordered to drop the charges against Limon in GR-45 (Tribunal case no. 9/11) lodged under sections 19(A) and 19(F) of the Arms Act. On 16 October 2014, the Court of Chief Judicial Magistrate, Jhalakathi District dropped the charges against Limon Hossain in the other case filed by RAB. The court decision came 15 months after the Government decision to withdraw both the cases filed. Limon Hossain is now a student at the Law Faculty at Gana Bishwabidyalay in Savar.

- *Improving Institutions*

One conduit for ASK's advocacy for legal reform is through exchange in public forums, both domestically and internationally. This form of advocacy involves participating in discussions pertaining to human rights issues and legal reforms. Participation is done through: seminars, roundtable discussions, articles and books; proposing and drafting improved laws; commenting on new laws or amendments drafted by the Government or proposed by other organisations; class actions monitoring human rights violations; disseminating reports on the human rights situation; and appeals for support from domestic and international HRDs to protect specific victims of human rights violations. In addition to exchanges in public forums, ASK is able to use Public Interest Litigation (PIL) as part of its human rights advocacy.

- *Defending the Rights of sex workers to Life, Liberty, and Equality before the Law*

In April 2013, ASK and the Bangladesh Legal Aid and Services Trust (BLAST) joined forces with the Sex Workers Network of Bangladesh to stand by the side of 500 sex workers from Madaripur Brothel. Although the sex industry is not illegal in Bangladesh, the women were besieged by unknown community groups and individuals who threatened them with eviction if they continued their trade. Large bill-boards were placed at the premises of the brothel that prohibited clients from entering the brothel between sunset and sunrise. Clients were harassed in front of the brothel

and, although called upon to provide protection to the women, the police added to the tensions by conducting several raids on the brothel. ASK and BLAST filed a petition, on 11 April 2013, citing that the actions of the community violated sex workers' rights to life and liberty, to the protection of the law and equality before the law. The High Court ruled in favour of the complainants and harassment stopped temporarily.

Four months later, the brothel was again besieged and the sex workers were forced to flee. (Writ Petition 3841, 2013). ASK and BLAST promptly swung into action to file another lawsuit, arguing that the eviction of the sex workers was in contempt of the Court. Judgment on the second petition is still pending. (Writ Petition 4390, 2013)

- *Enabling the Individual*

ASK's aims to create a society that demands the promotion and protection of human rights based on the values of the people and the contributions they make, and upon awakening them to a sense of their own rights, entitlements, responsibilities and power. To attempt to do so in a country like Bangladesh is no small feat.

HRDs talk about every individual's intrinsic right to life, inherent right to dignity, and innate right to equality and to equal treatment under the law. However, the everyday experiences of ordinary people give evidence of the inborn gaps that undeniably exist between men and women, rich and poor, electors and elected, populace and proshashon

(Government), child and adult, majority and minority Bangladeshi, which leave them feeling empty and powerless. While human rights activists proclaim the benefits of free speech and free press in society, the vast majority are too occupied with simply having enough to eat and ensuring a somewhat better life for their children.

- *Towards that First Protest Rally*

Shushmi, around 20 to 22 years of age, arrived at one of ASK's legal clinics in Dhaka. She was a broken woman, who needed help with what turned out to be a divorce. When offered a choice between court proceedings and mediation, Shushmi was adamant in her refusal of the former. Courts were public places and would expose her to public ridicule. According to her, a divorce meant the ultimate failure for a woman. In her case, the shame was even more acute because it was not her but her husband who wanted to end the marriage.

Three months into her pregnancy she discovered that her husband was having an affair with another woman and her world came tumbling down around her. Then began months of torment. Her husband stayed away from home long into the night and on weekends. Communication ceased between them. Occasionally, when they talked they used to quarrel and Shushmi was beaten by her husband. Devastated as she was, Shushmi could not even think of a divorce and chose to close her eyes instead. She kept them shut until the day her husband announced that he wanted to divorce her. Not knowing what to do,

Shushmi eventually arrived at an ASK clinic and began to gain some clarity about her situation.

Even though she could not bear to think of being pushed out of marriage, it was important to keep calm and make sure that she made arrangements for her husband to pay for child support and the kabin (dowry) promised to her when she got married.

ASK sent a written notice to the husband to come for mediation, but he did not respond. After making phone calls to him, he balked and stopped picking up calls. At the end, ASK was forced to contact his employers and seek their cooperation in ending the stalemate. The employers obliged, the mediation took place, and the husband agreed to pay the dowry in full, and provide an amount for child support each month.

In late April of 2013, Shushmi happened to drop-in at ASK when she overheard staff talking about preparations for a mass rally and immediately announced she wanted to join. The rally was being organised by women's groups to protest an announcement by Hefazat-E-Islam that it sought the repeal of the National Women's Policy, which affirms women's rights to education and employment. On 1 May 2013, Shushmi joined hundreds of women at the Press Club in Dhaka. She watched some women as they stood under an 18 feet banner calmly declaring: '*We want a non-communal, democratic Bangladesh that can ensure equality of men and women.*'

Shushmi has now started to work at a

commercial bank and earns enough to be able to bring up her child by herself.

• *ASK Drop-in Center gives children a new life*

Tanya, age 15, attends classes at a regular school and lives at home with her father and his two co-wives. Her father used to pull a rickshaw, but is now too weak and disabled to work. Despite the hardship, relations in her home are warm. While she is the daughter of the younger wife, Tanya talks affectionately about her Boro Ma (senior mother), who she describes as being supportive to her own mother and older sister, who was married off at an early age.

Tanya joined a ASK Drop-in Centre in 2010 when she was in Class VI (six). She was attracted by the art lessons – classes in singing, dancing and drama offered by the Centre. She admits that the Drop-In Centre has taken her by surprise. She had expected to have fun, but had had no idea that she also would learn so much about things normally taught in regular schools. She is especially surprised that the Centre has taught her so much about science and now she dreams of parlaying that into becoming a medical doctor.

She says that the Centre has brought about immense change for her. Not only did it find someone to sponsor her education at the school she attends, but it has given her things that elude most schools. It has given her joy and the confidence to hope, to expect that she can get more out of life than what she earlier had wanted. What she wants now

is to become a doctor and earn enough to take her family out of poverty.

Thanks to the many meetings and workshops her mothers have attended, they too have grown. They see Tanya differently now. They used to think a daughter was a burden and constantly talked about marrying her off, as they had done with her older sister when she was still a child. Now, her mothers do not mention marriage to Tanya. Instead, they tell others how, one day, when Tanya becomes a doctor, there will be such a difference for the way the family lives.

Ain o Salish Kendra (ASK), as a human rights and legal aid organisation, is trying to make all efforts to attain its goal to see the human rights culture strengthened in Bangladesh, which would truly open the avenue for access to justice and enjoyment of equal rights irrespective of one's identity. The establishment of the rule of law and practices of democratic norms still remain a big challenge in ASK's endeavours. However, with the trust and support of the people, ASK hopes to bring a visible and viable change in the prevailing condition.

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Lisa has studied law and works intensively to promote the use of Human Rights Mechanisms, both at the national level (Executive, Parliament, Judiciary and NHRC) and at the international level (United Nations Human Rights Council, Treaty Bodies, and Special Procedures).