Training on Legal literacy and Legal Empowerment (2nd part)

Training Manual

Legal Empowerment and Strengthening Access of Women and Vulnerable Groups in Selected Slums to Improve Water and Sanitation Services Project.

Executive Agency: Dhaka WASA

Consultant:BASA - BISR (JV)

Foreword

To improve water and sanitation services for selected low-income communities (LIC) in Dhaka city, with the support of the Asian Development Fund, Dhaka WASA has undertaken a project in collaboration with the Asian Development Bank to enhance the participation of women and vulnerable groups, while also strengthening legal empowerment. This initiative aims to provide environmentally sustainable water supply services.

With financial assistance from the Asian Development Bank, Dhaka WASA is focusing on improving water and sanitation services for the low-income communities in Dhaka, while also giving significant importance to legal empowerment. This approach adds a unique dimension to Dhaka WASA's activities. The project is being jointly implemented by the BASA Foundation and BISR (BASA-BISR JV). The BASA Foundation has long collaboration with Dhaka WASA on various water and sanitation projects.

In addition to improve water and sanitation services for the selected LICs in Dhaka, this project emphasizes legal empowerment. To enhance the legal capacity of these communities, a "Training on Legal Literacy and Legal Empowerment" course has been developed. The course is divided into two parts: In the second section, fundamental legal concepts in daily life are briefly described. The key topics include child marriage, dowry, divorce, violence against women/children, sexual harassment, social discrimination against persons with disabilities and the Hijra community, and an introduction to Alternative Dispute Resolution (ADR).

It is hoped that through this training course, leaders at various levels within LIC communities will gain knowledge of legal matters and be proactive in advocating for their legal rights.

I would like to express my sincere gratitude to everyone who has contributed to the development of this training manual. Should there be any inadvertent errors, I kindly request users to view them with understanding.

We hope that the information provided in this manual will enable LIC representatives and key stakeholders to play a pivotal role in improving water and sanitation services in LIC areas, while also promoting legal empowerment.

May the Almighty guide us towards prosperity.

With thanks,

A.K.M. Shirajul Islam
Executive Director
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Manual Usage Guidelines

The training manual for legal literacy and empowerment has been designed for a one-day session. It contains a total of 6 steps/sessions. Each session is divided into several parts:

- Session Plan and Layout
- Information or Reference for Trainers
- Handouts for Participants

Sessions
Each session is structured around several topics. The sessions are organized sequentially, covering different related topics. At the beginning of each session, the objectives are described. The sessions are designed to develop knowledge, skills, and attitudes, and to explain the outcomes of learning.

Key Elements to Consider for Conducting a Successful Training Course:

1. **Need for Training:**
   Understanding the necessity of the training is crucial. Training is required to gain a clear understanding of a topic. This is known as a "Need Assessment."
2. **Objective:**
   The objective is what the participants will be able to learn after the training.
3. **Content:**
   Once the objective is set, the content is developed. The content can be divided into three main parts:
   - Essential: Must be included in the content.
   - Necessary: Should be included in the content.
   - Peripheral: Can be included if necessary.
4. **Method or Approach:**
   A proper method must be selected to conduct the training. There are several training methods, such as:
   - Lectures by the trainer to explain the topic.
   - Group discussions.
   - Examples or storytelling.
   - Brainstorming.
   - Group work.
   - Question and answer sessions.
   - Mutual exchange of opinions.
   - Presentations by participants.
5. **Time:**
   Allocate time for presenting the content and arrange the topics accordingly.
6. **Evaluation:**
   Assessment of the training's effectiveness.

Training Guidelines and Objectives

The rules and objectives of the training must be evaluated. In this regard, participants' prior knowledge can be assessed at the beginning of the training, and their overall understanding of the subject can be evaluated at the end.

Each of the above rules or a combination of them can be used to conduct training. However, the most suitable method depends entirely on the topic and the trainer. Here are all the types of methods for conducting training.

What a Competent Trainer Should Know:

- A skilled trainer should possess courteous and respectful behavior, treating others with dignity.
- The trainer must be hardworking, enthusiastic, cheerful, humorous, wise, conscientious, and patient.
- They should be ready to explain any topic repeatedly with clear communication.
- A skilled trainer educates while keeping up with changing times and may even take on the role of an actor when necessary.
- The trainer uses their knowledge, experience, and thoughts but keeps in mind that participants may also have their own views and understandings.
- The trainer presents the content in a way that increases participants' interest in the subject, encouraging them to engage in discussions.
- A good trainer makes eye contact with everyone during the session and ensures no one is given too much or too little attention.
- They keep track of time to maintain participants' attention, using visuals, lists, short stories, and, if possible, videos.
- The trainer shares real-life stories to help participants form their perspectives and opinions.
- At the end of a topic, the trainer summarizes and asks if anyone has differing opinions, guiding participants towards a conclusion through discussion.
- After the session, the trainer assesses the subject and the participants using questions.

General Objectives of the Training: The overall objective of the training course is to enhance the knowledge and skills of the low-income population of Dhaka city on legal literacy and empowerment concerning water and sanitation services. It aims to motivate them to take an active role in improving their access to these services and solving legal issues through legal literacy and empowerment activities.

Specific Objectives of the Training: By the end of the training, participants will be able to:

- Gain adequate knowledge of legal literacy.
- Understand and articulate their fundamental rights.
- Learn about Dhaka WASA's water and sanitation laws and how to claim their rights.
- Learn about the Bangladesh Government's Vision-2041 and the Sustainable Development Goals (SDGs).
- Understand the ADB's Gender Equality & Social Inclusion (GESI) framework.

- Become familiar with family laws.

Legal Literacy and Legal Empowerment Training Program (Part 2):
Venue: ----------
Date: ----------
Participants: LIC Executive Committee Leaders and Members
Duration: 1 day

Time	Session No.	Main Topic	Discussion Points	Method/Approach	Support Materials
09:00-09:15	Inaugural	Opening	Registration, universal prayer, and inauguration session	Registration and Inauguration	Registration papers
09:15-09:30	Intro	Ice-breaking and Introduction	Ice-breaking activities and participant introductions	Games	
09:30-09:45	Pre-assessment & Expectation Review	Initial Skill Assessment	Participants' expectations, pre-assessment, and training objectives	Poster display, questionnaire	
09:45-10:30	Session-1	Child Marriage	- What is child marriage?	Open discussion, Q&A	
			- What actions should be taken in case of child marriage?		
			- Legal remedies for child marriage		
10:30-11:00	Tea Break				
11:00-11:45	Session-2	Dowry	- What is dowry?	Open discussion, Q&A	
			- Difference between dowry and gifts		
			- Punishment for dowry-related cases		
11:45-12:15	Session-3	Divorce	- What is divorce?	Open discussion, Q&A	
			- Procedures for divorce or separation		

			- Importance of sending divorce notice		
			- Wife's dues from the husband in case of divorce		
12:15-01:00	Session-4	Violence Against Women/Children & Sexual Harassment	- What is meant by violence against women and children?	Open discussion, Q&A	
			- Ways to prevent sexual harassment		
			- Actions to take in cases of violence or harassment against women/children		
01:00-02:00	Lunch Break				
02:00-02:45	Session-5	Social Discrimination Against Specially-Abled and Transgender Communities	- Who are the specially-abled and transgender individuals?	Open discussion, Q&A	
			- Ways to reduce social discrimination against these communities		
02:45-03:15	Session-6	Alternative Dispute Resolution (ADR)	- What is ADR?	Open discussion, Q&A	
			- Rules and regulations of ADR		
			- Issues that can be resolved through ADR		
03:15-03:30	Day Review			Discussion, Q&A session	
03:30-03:50	Course Evaluation	Final Evaluation and Course Assessment	Post-training evaluation and course review		Questionnaire
03:50-04:00	Course Closing	Closing Session Speaches			

Session Title: Inaugural Session
Discussion Topics:

- Prayer
- Registration
- Welcome Speech and Inauguration

Objective:
By the end of this session, participants will:
a) Join in a universal prayer.
b) Fill out a registration form including their name, designation, and LIC name.

Method: Collective prayer, music, and speeches.
Purpose: Prayer and session inauguration
Materials: Banner, posters, leaflets, scissors, anti-cutter, tissue, poster paper, whiteboard, markers, multimedia projector, sound system, digital banner, questionnaires, folders, notebooks, notepads, brown paper, pens, pencils, colored paper, glue, tape, board pins, ribbon.
Duration: 15 minutes

Process:

- Begin the session with a warm welcome from the facilitator/trainer.
- Start the training with a universal prayer. Assign a participant to lead the prayer, preferably someone suitable for the role. If someone fits the role, request them beforehand.
- Ask participants to sign the registration sheet, including their name, LIC name, and designation.
- If a senior representative from the organization is present, they or one of the trainers can deliver the welcome speech and officially inaugurate the training.

Conclude the session by thanking everyone for their cooperation.

Session Title: Introduction
Discussion Topic:

- Icebreaking and Introductions

Objective:
By the end of this session, participants will:
a) Be introduced to each other
b) Be able to present themselves confidently
c) Overcome any initial awkwardness

Method: Game
Materials: Banner, posters, leaflets, scissors, anti-cutter, tissue, poster paper, whiteboard, markers, multimedia projector, sound system, digital banner, questionnaires, folders, notebooks, notepads, brown paper, pens, pencils, colored paper, glue, tape, board pins, ribbon, yarn ball, etc.
Duration: 15 minutes

Process:

- Gather everyone together in a friendly manner and raise awareness of the session.
- Tell participants that since we are here for a one-day training, it's essential to get to know each other. We will do this through a game using the pair group method.
- Ask participants to find a partner of their choice or help them pair up with those sitting next to them. Once the pairs are formed, give them two minutes to learn about each other and establish a friendly connection. Then, ask one person from each pair to introduce their partner to the group.
- This method will allow everyone to learn about each other, creating a lively environment and fostering a sense of connection among participants.
- Afterward, introduce yourself as the facilitator.
- You may also use any other suitable method beyond pairing.

Conclude the session by thanking everyone for their cooperation.

Session Title: Expectation Check and Pre-Assessment
Discussion Topics:

- Assessing participants' prior knowledge
- Checking expectations
- Explaining the objectives of the training

Objective:
By the end of this session, participants will:
a) Express their expectations
b) Participate in the pre-assessment activity
c) Understand the objectives of the training, enabling the facilitator to tailor the session accordingly

Method: Lecture, discussion, Q&A
Duration: 15 minutes
Materials: Banner, posters, leaflets, scissors, anti-cutter, tissue, poster paper, whiteboard, markers, multimedia projector, sound system, digital banner, questionnaires, folders, notebooks, notepads, brown paper, pens, pencils, colored paper, glue, tape, board pins, ribbon.

Process:

- The facilitator will provide each participant with a VIP card and ask them to write down their expectations or what they hope to learn during this training. Before writing, explain the rules for filling out the VIP card.
- Once the expectations are written, collect the cards, read them aloud, and display them on the VIP board with the help of a co-facilitator. While displaying, categorize the expectations.
- After collecting the expectations, thank the participants and explain the training's objectives. Distribute the schedule and explain how their expectations align with the training agenda, addressing any unmet expectations and how they might be fulfilled.
- At this point, provide participants with information about the physical facilities of the training venue, such as where the meals will be served.
- To ensure smooth facilitation, form teams from the participants through consensus. Assign each team a specific responsibility, such as management, reporting, learning, and entertainment. These teams will present their tasks daily.
- Establish rules for maintaining discipline in the training, agreed upon by all. Examples may include punctuality, turning off mobile phones, avoiding side conversations, etc.
- Use a pre-training evaluation questionnaire to assess the participants' current knowledge of the training content.
- Conclude the session by thanking everyone for their cooperation.

Legal Empowerment and Strengthening Access of Women and Vulnerable Groups

Training Course on Legal Literacy and Empowerment (Part 2)

Topic: Pre/Post-Training Assessment
Date: ----------
Duration: 1 day
Participants: ---------- Selected LIC leaders and members
Participant's Name: _____
Full Marks: 50

Time: 15 minutes

1. What is the legal minimum age for marriage in Bangladesh according to the existing laws?
2. What is meant by child marriage? What are the penalties for it?
3. What is the definition of dowry?
4. What are the rules for divorce?
5. What are the penalties for sexual harassment?
6. What are the numbers for emergency services?

Facilitator's Note

Session 01 - Title: Child Marriage

Discussion Topics:

- What is child marriage?
- Actions to take when child marriage occurs
- Legal remedies for child marriage

Objectives:
By the end of this session, participants will:
a) Understand what child marriage is
b) Know the necessary actions to take if child marriage occurs
c) Be aware of the legal remedies available for child marriage

Methodology: Lecture, Q&A, and open discussion

Materials: Whiteboard, markers, multimedia, VIP cards, and projector

Duration: 45 minutes

Process:

1. Begin by warmly welcoming everyone and create a friendly environment for discussion.
2. Define child marriage and explain what it means, with a focus on the local community context. If possible, share real-life examples from the local area. Encourage open discussion and invite everyone to participate.
3. Discuss the necessary actions to take when child marriage occurs.
4. Explain the legal remedies available for child marriage and how they can be accessed.
5. Conclude the session by thanking everyone for their input and contributions.

Facilitator's Notes

Session 01: Child Marriage

Content:

1. **Impacts of Child Marriage**
    - Child marriage has lasting effects on girls, which continue into adulthood.
    - Early pregnancy leads to health complications and increases the risk of childbirth-related difficulties.
    - It acts as a barrier to education, hindering economic freedom and opportunities for girls.
    - Women who are victims of child marriage often experience domestic violence, sexual abuse, and marital rape.

Health Implications:

- Child marriage poses serious threats to the health and lives of girls. In developing countries, complications from pregnancy and childbirth are leading causes of mortality for young women.
- The risk of maternal death is twice as high for pregnant women aged 15-19 compared to those who are 20 years old. For those under 15, the risk increases by 5-7 times.
- Women who give birth before the age of 15 have an 88% chance of developing fistulas, which can lead to various infections. Married women aged 20 and younger are also at a higher risk of sexually transmitted infections.
- Child marriage not only jeopardizes the mother's health but also threatens the health of the child. The likelihood of giving birth to an underweight child is 35-55% for girls under 18.
- Moreover, child mortality rates are 60% higher when mothers are under 18. Children born to young mothers have weaker immune systems and are more likely to suffer from malnutrition.
- The prevalence of child marriage contributes to population growth.

Literacy and Poverty:

- Child marriage ends girls' educational journeys, particularly in underdeveloped countries.
- The rates of child marriage are higher among illiterate girls. Girls with only primary education are twice as likely to marry before 18 compared to those who complete secondary education, and the likelihood is three times higher for completely illiterate girls.
- After marriage, the responsibilities of household management and child-rearing disrupt many girls' educational pursuits.
- Without education, women have limited opportunities for earning a livelihood, which perpetuates their struggle against poverty, especially if their husbands die or they experience divorce.

- Since girls in child marriages are often younger than their husbands, they may become widows at a young age, leading to economic and social crises.

Impact of Early Marriage on Women

Less educated and younger married women experience higher rates of domestic violence. Typically, after marriage, they move to their husband's family home, often in a village or another area, resulting in the end of their educational journey and the loss of social support due to separation from their family and friends. The husband's family often assumes that the young wife will be submissive, leading to psychological distress due to this isolation.

With a significant age difference between them and their husbands, young brides are more likely to face violence and forced sexual relations. Those who marry at a young age suffer more from post-marriage violence. Because of their early marriages, these women become entirely dependent on their husbands. The physical and psychological toll of domestic and sexual abuse can severely disrupt their lives during a critical period of mental development, potentially leading to depression and even suicidal thoughts.

Women's Rights:

The United Nations declares that child marriage poses a threat to human rights. Various international protocols, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Committee on the Rights of the Child (CRC), and the Universal Declaration of Human Rights, have been established to combat child marriage.

Child marriage violates numerous rights of women, such as gender and age equality, the right to the highest attainable standard of health, freedom from servitude, the right to education, freedom of movement, protection from violence, and the right to consent to marriage. The impacts of these legal violations extend beyond women to their children and society as a whole.

For instance, the local government in Haryana, India, has implemented a program providing financial assistance to impoverished families if they send their daughters to school instead of marrying them off before the age of 18. This initiative has successfully reduced the rate of marriages among girls under 18.

Brief Title and Introduction

1. **(a)** This law shall be referred to as the **Child Marriage Prohibition Act, 2017**.
   (b) It shall come into force immediately.

Definitions:

2. Unless contrary to the subject matter, in this Act—
   (a) "Minor" means any male who has not completed 21 (twenty-one) years of age and any female who has not completed 18 (eighteen) years of age for the purposes of marriage;
   (b) "Guardian" means any guardian appointed or declared under the Guardians and Wards Act, 1890 (Act No. VIII of 1980) and includes any person responsible for the maintenance of the minor;

(c) "Adult" means any male who has completed 21 (twenty-one) years of age and any female who has completed 18 (eighteen) years of age for the purposes of marriage;
(d) "Child Marriage" means a marriage in which either party or both parties are minors; and
(e) "Rules" means the rules framed under this Act.

3. **Relevant Data**
4. The percentage of married women aged 20-24 who were married before the age of 18 is presented in the table below. The data is based on surveys conducted by the International Center for Research on Women (ICRW) and UNICEF for women aged 10-20, as well as data from the United Nations for women aged 10-15.
5. As the **Child Marriage Restraint Act, 1929 (Act No. XIX of 1929)** has been repealed and is deemed appropriate and necessary to be re-enacted in an updated form, the following law is hereby enacted:
6. **Punishment for Child Marriage:**
7. **7. (a)** If an adult man or woman conducts a child marriage, it shall be considered a crime, and they shall be punished with imprisonment for no more than 2 (two) years, or a fine not exceeding 1 (one) lakh taka, or both; and in default of payment of the fine, imprisonment for up to 3 (three) months.
   (b) If a minor man or woman conducts a child marriage, they shall be punishable with detention for no more than 1 (one) month, or a fine not exceeding 50,000 (fifty thousand) taka, or both;
   Provided that, if a case is filed or punishment is awarded against any person under Section 8, the minor man or woman involved shall not be punished.
   (c) In the case of trial and punishment under sub-section (2), the provisions of the Children Act, 2013 (Act No. 24 of 2013) shall apply.

8. **Punishment for Parents and Others Involved in Child Marriage:**
   If a father, mother, guardian, or any other person, legally or illegally exercising authority over any minor, conducts a child marriage or permits or instructs any such act, or fails to prevent such marriage due to negligence, it shall be considered a crime, and they shall be punished with imprisonment for no less than 6 (six) months and no more than 2 (two) years, or a fine not exceeding 50 (fifty) thousand taka, or both; and in default of payment of the fine, imprisonment for up to 3 (three) months.

9. **Punishment for Conducting or Facilitating Child Marriage:**

Any person conducting or facilitating a child marriage shall be considered guilty of a crime and shall be punished with imprisonment for no less than 6 (six) months and no more than 2 (two) years, or a fine not exceeding 50 (fifty) thousand taka, or both; and in default of payment of the fine, imprisonment for up to 3 (three) months.

10. **Exemption from Child Marriage Allegations for Proactive Efforts:**

Notwithstanding any other provisions of this law, if any person accused of involvement in the initiative of a child marriage has not completed the marriage, and if deemed appropriate by the court, such individual may be granted relief from the charges against them if they provide an affidavit or bond, in a form prescribed by regulation, stating that they will not be involved in any future child marriages and will actively work to prevent child marriage in their vicinity.

Punishment for Registering Child Marriage and License Revocation:

11. If any marriage registrar registers a child marriage, it shall be considered a crime, and the registrar shall be punishable with imprisonment for no less than 6 (six) months and no more than 2 (two) years, or a fine not exceeding 50 (fifty) thousand taka, or both; and in default of payment of the fine, imprisonment for up to 3 (three) months. Furthermore, their license or appointment shall be revoked.

    Explanation: For the purposes of this provision, "marriage registrar" refers to any licensed Nikah Registrar under the **Muslim Marriages and Divorces (Registration) Act, 1974 (Act No. LII of 1974)**, as well as registrars appointed under the **1872 (Act No. XV of 1872)**, **Special Marriage Act, 1872 (Act No. III of 1872)**, and **Hindu Marriage Registration Act, 2012 (Act No. 40 of 2012)**.

Documents for Proving Age:

12. To prove the age of any man or woman who is either married or wishes to marry, the following documents shall be considered legal evidence: birth registration certificate, national identification card, Secondary School Certificate or an equivalent examination certificate, Junior School Certificate or an equivalent examination certificate, Primary School Certificate or an equivalent examination certificate, or passport.

Notes for Facilitators

Session 02 - Title: Dowry

Discussion Topics:

- What do we mean by dowry?
- What is the difference between dowry and gifts?
- What are the penalties for dowry?

Objectives: By the end of this session, participants will be able to:

1. Understand what is meant by dowry.
2. Determine the difference between dowry and gifts.
3. Learn about and comprehend the penalties related to dowry.

Methodology: Brainstorming, discussion, and Q&A.

Materials: Whiteboard, markers, multimedia, VIP cards, and projector.

Duration: 45 minutes.

Process:

1. **Welcome Participants:** Start by greeting everyone and creating a warm and inviting environment for discussion.
2. **Discuss the Concept of Dowry:** Provide a detailed explanation of what dowry means.
3. **Explore the Difference Between Dowry and Gifts:** Ask participants what they think dowry and gifts mean, and engage in a detailed discussion. Explain the differences between dowry and gifts.
4. **Explain the Legal Penalties for Accepting Dowry:** Discuss the existing laws in Bangladesh concerning the penalties for accepting dowry.
5. **Conclude the Session:** Thank everyone for their contributions and end the session.

Session 02: Dowry

The Tradition of Dowry:

The practice of giving dowry to a bride during marriage has existed since ancient times and continues in some parts of the world today. In this tradition, the bride's family provides property or wealth, which poses an economic threat to many families. The challenge of accumulating and safeguarding resources for dowry is quite common. As a result, families often hastily arrange marriages for their daughters, regardless of their age, as soon as they can gather some cash or land.

In many cultures, there is also a tradition of giving dowry for girls, but this is referred to as determining the bride's price or dowry. In this practice, the groom's family receives dowry money to agree to the marriage. In some countries, the younger the bride, the higher the determined dowry. This tradition prompts families to marry off their daughters quickly and to the highest bidder. In weaker economies, families search for sources of income in this way.

Main Causes of Dowry Demands:

- Poverty
- Illiteracy
- Unemployment
- Crime

Causes and Remedies of Dowry:

The world is advancing at a rapid pace. Everything is changing in the dynamic flow of transformation. Many things are being modernized on the stage of change. Holding the hand of advanced civilization, our progress continues. We are also taking appropriate measures to solve our personal, familial, social, and national unwanted conditions, traditions, situations, and problems. However, in many areas, despite progress in some aspects, there seems to be a simultaneous decline in others.

This small country, Bangladesh, often goes unnoticed on the world map. Yet, Bangladesh has secured its place in the global arena with its unique characteristics. Indeed, this achievement is a matter of pride and honor. However, we cannot ignore the history of shame. Still, we remain hopeful. This third-world country, plagued by poverty, is burdened with countless problems. It seems we are burying our creative mindset, ideal values, and religious consciousness in the dust. Our noble plans are being lost.

Dowry has taken root in our hearts and society like a malignant tumor. Just as our bodies suffer from numerous ailments, our society also bears the burden of various diseases. Among them, the dowry practice stands out. Like an infectious disease, dowry has penetrated deep into various castes and societies, pushing the entire social system into a terrifying nightmare. To eradicate the dowry practice, which is both a tradition and a disease, we must understand

its causes, origins, and development.

Dowry is considered trivial, especially regarding the youth. The money, wealth, jewelry, and furniture given by the bride's family to the groom's family are termed dowry. This practice of giving gifts is known as the dowry system. Additionally, sometimes the bride is arranged to be married by assuring the groom a job or promising to send him abroad. This also falls under the category of dowry. At times, the bride's family takes on the responsibility of educating the groom to ensure his establishment, in exchange for marrying their daughter to him.

Session 02: Dowry

Dowry System:

The practice of giving dowry at marriage has been prevalent since ancient times and continues to exist in some parts of the world today. In this system, the bride's family provides property or money, which often poses an economic threat to many families. In addition to providing cash or property, the bride's family is pressured to marry off their daughter regardless of her age.

The custom involves giving dowry to the bride, where the bride's value or dowry is determined. The groom's family typically offers a sum of money to persuade the bride's family to agree to the marriage. In some cultures, the younger the bride, the higher the dowry. This compels the bride's family to marry her off quickly and to the highest bidder. Due to a weak economy, families feel compelled to follow this custom in their search for income sources.

Causes of Dowry Demand:

- Poverty
- Illiteracy
- Unemployment
- Crime

Causes and Remedies for Dowry:

The world is rapidly changing, and with the advancement of modern civilization, our progress continues. However, in many cases, there exists a competition between advancement and decline. In countries like Bangladesh, where poverty is a severe issue, the dowry system persists in society. Dowry is a social ailment and a human rights violation.

The emergence of the dowry system cannot be attributed to a single cause; multiple factors can be held accountable, such as:

1. Women's low social status
2. The burden of poverty
3. The mindset of seeking additional wealth
4. Physical flaws or age of the bride
5. Lack of education

6. Business pressures from the groom's family
7. Parental affection towards daughters

Measures to Eradicate Dowry:

To combat the negative effects of dowry, the following measures need to be implemented:

- Establish government and non-government initiatives
- Ensure the enforcement of anti-dowry laws
- Raise awareness among parents
- Encourage educated youth to take action
- Inform the public about the negative effects of dowry through media campaigns
- Promote women's education and create employment opportunities
- Foster changes in human values
- Educate the public that giving and receiving dowry is a social crime

Ultimately, it is essential to view women not as commodities but as equal partners. To ensure women's rights to equality, we must transform the mindset that rejects dowry— "We will not give or take dowry."

Dowry Prohibition Act, 2018 (Act No. 39 of 2018)

Preamble:
Whereas it is necessary to formulate a new law reflecting the needs of the time regarding the prohibition of dowry, considering the provisions of the Dowry Prohibition Act, 1980 (Act No. 50 of 1980), which has been repealed;

Therefore, it is hereby enacted as follows:

Short Title and Commencement

1. (1) This Act shall be known as the Dowry Prohibition Act, 2018.
   (2) It shall come into force immediately.

Penalty for Demanding Dowry

3. If either party to a marriage directly or indirectly demands dowry from the other party, it shall constitute an offense under this Act, and the offender shall be punishable with imprisonment for a term not exceeding 5 (five) years but not less than 1 (one) year, or with a fine not exceeding 50,000 (fifty thousand) Taka, or with both.

Penalty for Giving or Receiving Dowry

4. If either party to a marriage gives or receives dowry, or assists in giving or receiving dowry, or enters into an agreement for the purpose of giving or receiving dowry, such action shall be considered an offense, and the offender shall be punishable with imprisonment for a term not exceeding 5 (five) years but not less than 1 (one) year, or

with a fine not exceeding 50,000 (fifty thousand) Taka, or with both.

Notes for Facilitators

Session 03 - Title: Divorce

Discussion Topics:

- What is divorce?
- Ways to divorce or separate from marriage
- Importance of giving notice in divorce
- Wife's rights to dues from the husband in divorce

Objectives:

By the end of this session, participants will be able to:

1. Understand what divorce is.
2. Learn about the various methods of divorce or separation.
3. Recognize the importance of giving notice in divorce proceedings.
4. Understand the legal aspects of claiming dues from the husband after divorce.

Methodology:

Discussion, brainstorming, Q&A session

Materials:

- Whiteboard
- Markers
- Multimedia equipment
- VIP cards
- Projector

Duration:

30 minutes

Process:

1. **Welcome and Opening:**
   - Begin with greetings and create a warm, inviting atmosphere for discussion.
2. **Understanding Divorce:**
   - Explain what divorce means and clarify any misconceptions.
3. **Ways to Divorce:**
   - Discuss the various methods available for divorce or separation. Provide detailed information on each method, such as mutual consent, judicial separation, etc.
4. **Importance of Notice in Divorce:**
   - Discuss why giving notice is essential in divorce proceedings and elaborate on its

significance.

5. **Wife's Dues from the Husband:**
   - Discuss the legal rights of the wife regarding dues from the husband after divorce, including maintenance and property rights.
6. **Engagement and Feedback:**
   - Throughout the session, check in with participants to gauge their opinions and encourage interaction.
7. **Closing:**
   - Thank everyone for their contributions and conclude the session.

Session 03: Divorce

Under Muslim Family Law, the legal dissolution of a marriage is termed divorce or separation. From a legal perspective, marriage is a contract with both religious and social foundations. According to the law, either party in a marriage can initiate a divorce, which is referred to as a **'divorce'**.

In the context of divorce, both husband and wife have equal rights. However, there is a prevailing belief that only husbands can initiate divorce. It is commonly thought that husbands can divorce their wives at any time, which leads to the misconception that the marital relationship depends solely on the husband's whims. This idea, though prevalent in society, is illegal from both legal and religious standpoints.

While the law grants husbands more rights regarding divorce, it does not mean that wives lack the right to initiate divorce. Both spouses must fulfill certain legal conditions to proceed with a divorce. A husband can grant his wife the right to divorce him, known legally as **'Talaq-e-Tawfeez,'** which means the wife also has the authority to initiate divorce. Unfortunately, most divorces in our country occur unjustly and without adherence to legal norms, often placing the blame on women and using divorce as a weapon against them, burdening women with significant social, familial, and religious consequences.

Husband's Responsibilities:

Providing maintenance to a wife is a legal obligation for the husband. After a divorce, the husband is not required to provide maintenance to his ex-wife. This practice is consistent across almost all Muslim countries. However, it is customary for the husband to provide maintenance for a specific period after divorce. Once this period is over, the husband's obligation to provide maintenance ceases.

Role of the Chairman or Committee:

If there are issues that can be resolved, it is essential to address them, which is the primary role of the chairman or committee. The reason for providing notice to the chairman is to facilitate this resolution.

Maintenance Laws:

According to Section 9 of the same law, if a husband fails to provide adequate maintenance or equal treatment to multiple wives, the wives can file a complaint with the chairman. In such cases, the chairman will form an arbitration council to resolve the issue, determining the amount of money the husband must provide for maintenance and issuing a certificate accordingly. If the husband fails to pay the maintenance amount on time, it can be recovered as outstanding land revenue.

Understanding Maintenance:

Before discussing the provisions related to maintenance, we must understand what maintenance means. Maintenance refers to the basic necessities required for human survival, such as food, clothing, shelter, and medical care.

A capable and earning individual is always obliged to provide maintenance for his wife and minor children.

Wife's Rights to Maintenance:
Many people are aware that a Muslim marriage is a civil contract. This contract allows the husband and wife to live together and maintain a household. The marriage creates certain legal rights as well as responsibilities. One of these responsibilities is maintenance.
Maintenance is the duty of the husband and the right of the wife. The wife has the right to receive from her husband the resources necessary for living, such as food, clothing, medical care, and other essentials for life. This right remains in effect as long as the wife is bound in the marriage contract and continues even after a divorce occurs for any reason.

Maintenance Rights after Divorce

However, after divorce, the maintenance right of the wife is limited and is valid for a specific period. Under Muslim law, the husband is not placed under the same obligation regarding maintenance for the wife, as it is assumed that most women are financially dependent on their fathers or husbands. Although current realities have changed significantly, this assumption remains prevalent. Therefore, while a wife is entitled to maintenance from her husband, the husband has no right to claim maintenance from his wife.

Maintenance Post-Divorce:

If a divorce occurs for any reason, the wife will be entitled to maintenance for a limited time after the divorce. She retains the right to maintenance for **90 days** from the date the divorce becomes effective.

Judicial Interpretation:

In interpreting Muslim law, the courts in our country, particularly the High Court, have played a significant role. In the case of *Hifzur Rahman vs. Shamsun Nahar Begum and Others* (47 DLR 1995, p. 54), the High Court ruled that "the husband must provide maintenance to his divorced wife in a manner that meets her needs, even beyond the iddah (waiting) period, for an indefinite time until she remarries." However, this ruling was overturned by the Supreme Court of Bangladesh. In the same case, the Appellate Division ultimately decided that a divorced wife is entitled to maintenance only for three months (90 days), which corresponds to the iddah period.

Legal Rights of Wives in Maintenance Claims:

1. **Right to File for Maintenance:** According to the Family Courts Ordinance of 1985, wives have the right to file for maintenance. This is a civil remedy. The ordinance stipulates that cases regarding maintenance, dower (deed of marriage), divorce, and guardianship can be filed in family courts. Previously, maintenance claims could be filed in magistrate courts under Section 488 of the Criminal Procedure Code. However, this provision was abolished in 2009 with amendments to the Criminal Procedure Code (Source: Bangladesh Gazette, April 8, 2009).
2. **Application to the Local Chairman:** According to Section 9 of the Muslim Family Laws Ordinance of 1961, if a husband fails to provide maintenance,

the wife can apply to the local chairman regarding the matter. The chairman will form an arbitration council to determine the amount of maintenance and issue a certificate. If the husband still fails to pay the specified maintenance, the wife can recover it as outstanding land revenue.

Reasonable Causes for Separation:

Reasonable causes for separate living may include circumstances such as seeking dower, or separate living due to the husband's cruel behavior, abuse, or obstruction in practicing religion. In such cases, the wife will still be entitled to maintenance.

Right to Divorce for Non-Payment of Maintenance:

Under the Muslim Divorce Act of 1939, if a husband fails to provide maintenance for two consecutive years or neglects his obligation, the wife will have the right to obtain a decree for divorce.

Child Maintenance

The legal obligation to provide maintenance for children rests primarily with the father. He is responsible for the maintenance of his sons until they reach adulthood and for his daughters until they get married. In cases where the child is sick or disabled, the father is also obligated to provide maintenance for them.

Even after reaching adulthood, if the children are unable to support themselves, they can legally claim maintenance from their father. However, it is essential to note that, in such cases, the father is not strictly obligated to provide maintenance.

Additionally, if the mother is the legal guardian of the children, the father still remains responsible for providing maintenance to ensure their well-being.

Facilitator's Note

Session 04: Violence Against Women/Children and Sexual Harassment

Discussion Topics:

- **Understanding Violence Against Women and Children**
  - Violence against women and children refers to physical, psychological, or sexual abuse that occurs for personal or societal reasons.
  - It can take various forms, such as:
    - Physical violence (hitting, beating)
    - Psychological violence (mental stress, verbal abuse)
    - Sexual violence (sexual assault, rape)
    - Economic violence (withholding financial resources)
- **Ways to Prevent Violence Against Women and Children**
  - **Awareness Raising:** Educating women and children about their rights and safety is crucial.
  - **Laws and Policies:** Implementing strict laws and penalties to deter violence.
  - **Support and Cooperation:** The support of family and society is essential.
  - **Proper Reporting:** Quickly reporting incidents of violence and taking necessary actions.
- **What to Do in Cases of Violence Against Women and Children**
  - Seek help immediately if you are a victim of violence.
  - Report the incident to the police or local authorities.
  - Obtain medical assistance.
  - Seek legal help if necessary.

Objectives:

By the end of this session, participants will be able to:

- Gain a detailed understanding of what constitutes violence against women and children.
- Learn about various ways to prevent violence against women and children.
- Understand what actions to take if violence occurs.

Method:

- Discussion, brainstorming, and Q&A

Materials:

- Necessary props for role-playing and demonstrations

Duration:

- 45 minutes

Process:

1. **Welcome Participants and Start the Discussion:**
   - Create a warm and friendly environment.
2. **Discuss Understanding Violence Against Women and Children:**
   - Talk about the different forms of violence and ways to protect against it.
3. **Ways to Prevent Violence Against Women and Children:**
   - Discuss effective strategies that can help prevent violence against women and children.
4. **What to Do in Cases of Violence:**
   - Provide detailed information on actions to take if someone becomes a victim of violence.
5. **Closing the Session:**
   - Thank everyone for their participation and conclude the session.

Remember: Encourage participants to share their thoughts and questions and engage them in the discussion to ensure active participation.

Step 04: Violence Against Women/Children and Sexual Harassment

In instances where we fail to resolve family conflicts or issues, there is little room to think about social, national, international, or global concerns. However, some people may think about these limited issues. This is the result of the advancements in science. Yet, when we look around, we see days filled with destruction, decay, and brutality. The extreme advancement of knowledge and science does not seem to be able to protect humanity and its habitat from the hands of destruction, decay, and extreme cruelty. We are constantly confronted with horrific and heart-wrenching incidents. A deep crisis is unfolding within society. People have lost their ideals and values, reverting to the savagery and revenge-seeking behavior reminiscent of the age of ignorance. Murders, abductions, and economic activities are trampling humanity. The brutality towards women and children has reached alarming levels.

Humans are referred to as "Ashraful Makhluqat," meaning the best of creation. Therefore, human behavior should be distinct from that of other beings. The Holy Quran declares, "I have honored the human race." Yet, these very humans today act like beasts. In various places across the country, incidents of murder, rape, eve-teasing, and suicide occur on a daily basis. People are being killed over trivial matters, even within courtrooms in front of judges. Alongside the murders, incidents of rape have risen at an alarming rate. Not even six or seven-year-old girls or six-month-old infants are safe from the hands of rapists. According to data from the Bangladesh Child Rights Forum, 496 children were victims of rape in the first six months of 2019. The regular human rights report from the Law and Mediation Center indicated that there were 630 incidents of rape during the same period. Additionally, there were 21 cases of children being killed in attempts of rape. The majority of the children who were victims of rape were aged between seven and twelve. Data published by the NGO Manusher Jonno Foundation revealed that in 2018, 433 children were raped across the country, with 22 children losing their lives due to rape that same year. Moreover, 53 children were subjected to attempted rape, and one child died due to sexual abuse. In total, 271 children died from rape, sexual abuse, murder, and physical violence, with an additional 1,006 children suffering from various forms of physical abuse.

Need for a Change in Perspective to Prevent Abuse

To prevent violence against women, there must be a change in negative attitudes towards women. Effective implementation of laws according to the nature of abuse, preventing child marriage, changing perspectives towards women, and raising awareness are essential. A coordinated effort from both governmental and non-governmental organizations can play a significant role in preventing abuse.

To combat gender-based violence, the perspectives of families and society must change. Violence against women is not just a women's issue; it is a societal issue. Everyone must work to change the patriarchal views within their families. Women must also build self-confidence and invest in themselves.

A 2018 study found that 66% of gender-based violence in Bangladesh is domestic violence, with only 11% of incidents seeking legal redress. A 2022 study indicated that nearly 64% of women have faced online harassment.

Tania Haque, a professor at the University of Dhaka's Women and Gender Studies Department and a member of the National Human Rights Commission, stated that raising awareness from different perspectives is crucial for preventing violence against women and determining appropriate actions. It is important to highlight how patriarchy places physical and mental pressure on men as well, and how the consequences of violence against women can financially burden men as well.

Geetanjali Singh, the representative of UN Women in Bangladesh, emphasized the need to change men's attitudes towards women to stop violence against women in various regions of Bangladesh. Proper data and statistics are required to effectively address these issues.

Addressing the Increasing Violence and Strengthening Preventive Measures

It is crucial to identify the types of violence that are increasing so that effective preventive measures can be implemented. We must also monitor whether the law is providing adequate protection.

Nishat Rahman, Additional Deputy Commissioner of the Cyber and Special Crime Division (South) of the Dhaka Metropolitan Police, shared her field experiences, emphasizing that girls need to be more aware to avoid online violence. Many girls give their social media account passwords to their husbands or boyfriends and share intimate photos. When relationships deteriorate, these individuals may misuse those photos against the women.

Nurun Nahar Begum, Director of the Family Planning Department (Mother and Child Health Training Center), stated that every institution in families and society should declare a zero-tolerance policy for violence against women and ensure its enforcement. Government and non-governmental organizations need to work together to raise awareness about violence against women and sexual and reproductive health education.

Tasleema Yasmin, an associate professor in the Department of Law at the University of Dhaka, pointed out that domestic violence is still not legally defined as a crime. The Domestic Violence Prevention and Protection Act offers a form of civil remedy, which sometimes leads lawyers to file dowry cases in incidents of domestic violence. Often, these cases cannot be proven, resulting in many cases under the Women and Children Repression

Prevention Act being falsely accused. She called for the removal of barriers to enacting laws to prevent sexual harassment and abuse, strengthening law enforcement mechanisms, and urging the Ministry of Women and Children Affairs to take more effective steps.

Ayesha Akhtar, a senior advocacy officer at the Bangladesh Legal Aid and Services Trust (BLAST), highlighted some progress, mentioning that a provision has been added to the evidence law, stating that without court permission, the character and past sexual behavior of the victim cannot be questioned during cross-examination in cases of rape or attempted rape.

Women and Children Repression Prevention Act, 2000

(Act No. 8 of 2000)

Preamble:
Whereas it is deemed necessary and appropriate to enact the necessary provisions for the strict suppression of crimes against women and children, this Act is hereby enacted as follows:

Short Title:

1. This Act shall be known as the Women and Children Repression Prevention Act, 2000.

Definitions:
2. Unless contrary to the context, in this Act:
(a) **"Offense"** means any offense punishable under this Act;
(b) **"Abduction"** means forcing, enticing, deceiving, misleading, or threatening a person to go from one place to another;
(c) **"Detention"** means keeping a person in a place against their will;
(d) **"Tribunal"** means any tribunal constituted under this Act;
(e) **"Rape"** means the offense defined in section 375 of the Penal Code, 1860, subject to the provisions of section 9;
(f) **"Newborn child"** means any child up to forty days of age;
(g) **"Woman"** means any female of any age;
(h) **"Ransom"** means monetary or any other form of benefit;
(i) **"Criminal Procedure Code"** means the Criminal Procedure Code, 1898;
(j) **"Dowry"** means:
(i) any money, goods, or other property demanded by the groom or his father or mother or any other person directly involved in the marriage, at the time of marriage or before, or while the marriage relationship is in existence, as a condition for the marriage; or
(ii) any money, goods, or other property given or agreed to be given by the bride's side to the groom or his father or mother or any other person directly involved in the marriage at the time of marriage or before, or while the marriage relationship is in existence, as a condition for the marriage;
(k) **"Child"** means any person under the age of sixteen years.

(l) "High Court Division" means the High Court Division of the Supreme Court of Bangladesh.

Priority of the Law:
3. Notwithstanding anything contained in any other law currently in force, the provisions of this Act shall prevail.

Punishment for Crimes Committed by Harmful Substances, etc.:
4. (1) If any person causes the death of a child or woman by using harmful, corrosive, or toxic substances or attempts to do so, that person shall be punishable with death or life imprisonment and shall also be liable to a fine not exceeding one lakh taka.

(2) If any person injures a child or woman in such a way using harmful, corrosive, or toxic substances that results in the loss of vision or hearing, or mutilation or destruction of any part of the body, the person shall be punished as follows:

- (a) In cases resulting in loss of vision or hearing, or mutilation or destruction of the face, breast, or genitalia, the person shall be punishable with death or life imprisonment, and also liable to a fine not exceeding one lakh taka.
- (b) In cases resulting in mutilation or destruction of any other part of the body or injury to any other part, the person shall be punishable with rigorous imprisonment for not less than seven years but not exceeding fourteen years and also liable to a fine not exceeding fifty thousand taka.

(3) If any person throws or attempts to throw harmful, corrosive, or toxic substances on a child or woman, that person shall be punishable with rigorous imprisonment for not less than three years but not exceeding seven years, regardless of whether the action causes physical, mental, or any other harm to the child or woman, and shall also be liable to a fine not exceeding fifty thousand taka.

(4) The fine under this section shall be recovered from the convicted person according to the provisions of existing laws and shall be paid to the heirs of the deceased or, in the case of injury, to the person affected, or, in the case of the person's death, to their heirs.

Punishment for Abduction of Women and Children:

7. If any person abducts a woman or child for any purpose other than those mentioned in sections 3 and 6 of the Prevention and Suppression of Human Trafficking Act, 2012, that person shall be punishable with life imprisonment or rigorous imprisonment for not less than fourteen years and shall also be liable to a fine.

Punishment for Ransom:
8. If any person detains a woman or child for the purpose of obtaining ransom, that person shall be punishable with death or life imprisonment and shall also be liable to a fine.

Punishment for Rape, Death Due to Rape, etc.:

9. (1) If any man rapes a woman or child, he shall be punishable with death or life imprisonment and shall also be liable to a fine.

Explanation: If a man engages in sexual intercourse with a woman over the age of sixteen without her consent or by inducing consent through fear or deception, or with a woman under the age of sixteen with or without her consent, he shall be considered to have committed rape against that woman.

(2) If the rape or any subsequent act by the perpetrator results in the death of the victim, the perpetrator shall be punishable with death or life imprisonment and shall also be liable to a fine not less than one lakh taka.

(3) If multiple individuals collectively rape a woman or child and the victim dies or is injured as a result, each member of that group shall be punishable with death or life imprisonment and shall also be liable to a fine not less than one lakh taka.

(4) If any person attempts to cause death or injury to a woman or child through rape :

(a) If any person attempts to cause death or injury to a woman or child through rape, he shall be punishable with death or life imprisonment and shall also be liable to a fine;
(b) If any person attempts rape, he shall be punishable with rigorous imprisonment for not less than five years but not exceeding ten years, and shall also be liable to a fine.

(5) If a woman is raped while in police custody, those responsible for her custody shall be punishable with rigorous imprisonment for not less than five years but not exceeding ten years, and shall also be liable to a fine of not less than ten thousand taka, unless proven otherwise.

Punishment for Inciting a Woman to Commit Suicide, etc.

:
(9) If any person intentionally causes a woman to commit suicide through any act that results in direct harm to her dignity without her consent, that person shall be guilty of inciting the woman to commit suicide and shall be punishable with rigorous imprisonment for not less than five years but not exceeding ten years, and shall also be liable to a fine.

Punishment for Sexual Harassment, etc.:

(10) If any person unlawfully touches the sexual organs or any other part of a woman or child with any part of his body or with any object with the intent to satisfy his sexual desire, or commits any act that violates the modesty of a woman, he shall be punishable under this provision.

Punishment for Causing Death for Dowry, etc.:

11. If the husband of a woman or any relative of the husband, including the father, mother, guardian, or any other person acting on behalf of the husband, causes the death of the woman for dowry or attempts to do so, or causes grievous hurt or simple hurt to the woman, the husband or relative shall be liable as follows:

(a) For causing death, the penalty shall be death or life imprisonment; for attempting to cause death, the penalty shall be life imprisonment, and in both cases, shall also be liable to a fine.
(b) For causing grievous hurt, the penalty shall be life imprisonment or rigorous imprisonment for not more than ten years but not less than five years, and shall also be liable to a fine.
(c) For causing simple hurt, the penalty shall be rigorous imprisonment for not

more than three years but not less than one year, and shall also be liable to a fine.

Punishment for Maiming a Child for Begging, etc.:
12. If any person destroys or maims the hands, feet, eyes, or any other part of a child for the purpose of begging or selling body parts, that person shall be punishable with death or life imprisonment and shall also be liable to a fine.

Provisions Regarding Children Born as a Result of Rape:

(13) Notwithstanding anything in any other law, if a child is born as a result of rape:
(a) The child shall be placed under the care of the mother or maternal relatives.
(b) The child shall have the right to know the identity of the father or mother, or both.
(c) The expenses for the child's maintenance shall be borne by the state.
(d) The maintenance expenses shall be provided until the child reaches the age of twenty-one, and in the case of a daughter, until she is married, or for a disabled child until the child is able to maintain themselves.

(e) The government shall determine the amount of maintenance to be provided under sub-section (1) by regulations.
(f) The government may recover the amount of maintenance from the rapist, and if this is not possible from the rapist's existing property, it may be recovered from any future property that the rapist may acquire.

Prohibition on Publishing the Identity of Victims in the Media:
(14)

(a) In the case of a woman or child who has been victimized by any of the offenses described in this Act, any news or information about the crime or legal proceedings relating to it shall be published or broadcasted in such a manner that the identity of the woman or child remains undisclosed.
(b) Any person violating the provisions of sub-section (1) shall be punishable with rigorous imprisonment for not more than two years, or a fine not exceeding one lakh taka, or both.

Judicial Procedure:

20. (1) Any crime under this Act shall be tried only in the Women and Children Repression Prevention Tribunal established under section 26.
(2) Once the hearing of a case in the tribunal begins, it shall continue without interruption on each working day until completion.
(3) The tribunal shall conclude the trial within one hundred eighty days from the date of receipt of the case for trial.

Women and Children Repression Prevention Tribunal:

26. (1) There shall be one tribunal in each district for the trial of offenses under this Act, and the government may establish multiple tribunals in any district if necessary. Such tribunals shall be called the Women and Children Repression Prevention Tribunal.
(2) The tribunal shall be constituted of a single judge, appointed by the government from among the district and sessions judges.
(3) The government may appoint any district and sessions judge as an additional judge of the tribunal, if deemed necessary.
(4) For the purposes of this section, the terms "district judge" and "sessions judge" shall include additional district judges and additional sessions judges, respectively.

Punishment for Instigation or Assistance in Committing an Offense:
30. If any person provides instigation for the commission of any offense under this Act, and as a result of that instigation the offense is committed or attempted, or if any person assists another in committing an offense under this Act, that instigator or assistant shall be punishable under the same penalty prescribed for the commission of that offense or for the attempt to commit that offense.

Facilitator's Note

Session 05
Title: Discrimination Against Persons with Disabilities and the Hijra Community

Discussion Topics:

- Who do we refer to as persons with disabilities and the hijra community?
- Actions needed to eliminate social discrimination against persons with disabilities and the hijra community.

Objectives:
By the end of this session, participants will be able to:
a. Understand who we refer to as persons with disabilities and the hijra community.
b. Learn about actions needed to eliminate social discrimination against these communities.

Method: Discussion and Q&A
Materials Needed: Whiteboard, markers, multimedia, and projector
Duration: 45 minutes

Process:

1. **Welcome:**
   - Start the session by warmly welcoming everyone.
   - Create a warm and inviting atmosphere where participants feel comfortable sharing their thoughts.
2. **Understanding Persons with Disabilities and the Hijra Community:**
   - Discuss who we refer to as persons with disabilities (those with physical, mental, or social impairments) and the hijra community (individuals with diverse gender identities and needs).
   - Focus on the discrimination and social challenges faced by these groups.
3. **Actions to Eliminate Social Discrimination:**
   - Discuss how we can work towards eliminating social discrimination against these communities.
   - Examples include:
     - Raising awareness
     - Increasing access to education and employment opportunities
     - Promoting political and social inclusion
     - Developing and implementing supportive policies
     - Ensuring healthcare and social protection
4. **Feedback and Appreciation:**
   - Encourage everyone to share their thoughts and experiences.
   - Thank the participants at the end of the session and express gratitude for their valuable contributions.

Session 05: Discrimination Against Persons with Disabilities and the Hijra Community

Bangladesh Persons with Disabilities Welfare Act, 2001
(Act No. 12 of 2001)

Preamble:
Whereas it is appropriate and necessary to ensure the protection of the rights and dignity of persons with disabilities, their participation in state and social activities, overall welfare, and related matters;

Therefore, this Act is hereby enacted as follows:

Short Title and Commencement:

1. (1) This Act shall be known as the Bangladesh Persons with Disabilities Welfare Act, 2001.
   (2) The government shall determine the date on which this Act shall come into force by notification in the official gazette.

Definitions:

Definition of Disability and Identification of Persons with Disabilities:

3. (1) "Person with a disability" means an individual who—
   (a) is physically disabled or mentally imbalanced due to congenital conditions, illness, injury from accidents, improper medical treatment, or other causes; and
   (b) as a result of such disability or imbalance—
   (i) is permanently partially or completely incapacitated; and
   (ii) is unable to lead a normal life.

(2) Any person described in sub-section (1) shall be included within the following categories of disabilities:
(a) Visual impairment, i.e., an individual who has—
(i) no vision in one eye; or
(ii) no vision in both eyes; or
(iii) visual acuity that does not exceed 6/60 or 20/200 (using the lens method), even with proper lenses; or
(iv) a visual field restricted to 20 degrees in the opposite angle;

(b) Physical disability, i.e., an individual who has—
(i) one or both hands missing; or
(ii) a hand that is fully or partially paralyzed or weak to the extent that the conditions mentioned in sub-section (1)(a) and (b) apply; or
(iii) one or both legs missing; or
(iv) a leg that is fully or partially paralyzed or weak to the extent that the conditions mentioned in sub-section (1)(a) and (b) apply; or
(v) a deformed or abnormal physical structure; or

(vi) a permanent lack of physical balance due to a disability.

(g) Hearing Impairment

A person with hearing impairment is one who has a hearing capacity that is impaired, damaged, or rendered ineffective to the extent of 40 decibels (the unit of sound) or more, especially in relation to normal conversation.

(h) Speech Impairment

A person with speech impairment is one who has lost the ability to produce normal meaningful sounds either completely or partially.

(i) Intellectual Disability

A person with an intellectual disability is one who—
(i) has not achieved normal intellectual maturity in relation to their age, or has an intelligence quotient (IQ) lower than the normal range; or
(ii) lacks mental balance or has lost it completely or partially.

(j) Multiple Disabilities

A person with multiple disabilities is one who has more than one of the disabilities mentioned above.

(k) Other Disabilities

Any other disability declared by the Coordination Committee.

Responsibilities and Functions of the National Coordination Committee:

6. (1) The responsibilities and functions of the Coordination Committee shall be as follows:
(a) Review existing government policies to ensure the full participation of persons with disabilities in social and state life according to their capabilities, and recommend necessary amendments or the formulation of new policies based on current realities;
(b) Provide advice to the government on adopting various programs and projects for the implementation of disability-related policies;
(c) Coordinate and review the activities of all government and non-governmental organizations working for the welfare of persons with disabilities in light of this Act and other applicable laws, and provide necessary directives;
(d) Advise the government on protecting the rights of persons with disabilities and encourage other organizations in this regard;
(e) Organize training to enhance the skills of individuals involved in disability-related activities;
(f) Establish a national information center on disabilities and arrange for the provision and dissemination of necessary information for the welfare of persons with disabilities through various media;

(g) Advise the government on aligning national policies and applicable laws with international measures taken for persons with disabilities, and ensure their implementation;
(h) Recommend the periodic review and amendment of laws related to disabilities to the government;
(i) Collect and maintain statistics related to disabilities;
(j) Take necessary steps to implement the activities described in this sub-section.

(2) All activities mentioned in the schedule shall be included within the scope of the Coordination Committee's work, and the committee may request or direct any ministry or department of the government or any other government or statutory organization or non-governmental organization to take necessary measures for the implementation of these activities.

Notes for Facilitators

Session 06: Alternative Dispute Resolution (ADR)

Topics to Discuss:

- What do we mean by ADR?
- Rules and principles for conducting ADR
- Matters that can be resolved through ADR
- Matters that cannot be resolved through ADR

Objectives:
By the end of this session, participants will be able to:
a. Understand what ADR or alternative dispute resolution means.
b. Learn the rules and principles for conducting ADR.
c. Identify the matters that can be resolved through ADR.
d. Recognize the matters that cannot be resolved through ADR.

Methodology:

- Group discussions
- Q&A sessions
- Group activities

Materials Needed:

- Posters
- Markers
- VIP cards
- Brown paper, etc.

Time: 30 minutes

Process:

Welcome:

- Start the discussion by warmly welcoming everyone.

Understanding ADR:

- Ask participants some questions about their understanding of ADR to gauge their knowledge.
- After listening to their responses, explain the definition, purpose, and necessity of ADR.

Rules and Principles:

- Inquire about participants' understanding of the rules and principles for conducting ADR.
- Then, explain the rules and principles, such as:
  - Voluntariness
  - Confidentiality
  - Impartiality
  - Completion of the process

Matters for ADR:

- Discuss the types of matters that can be resolved through ADR, such as:
  - Family disputes
  - Commercial disputes
  - Labor disputes
  - Consumer complaints

Limitations of ADR:

- Discuss the types of matters that cannot be resolved through ADR, such as:
  - Serious crimes
  - Public interest litigation
  - Matters requiring clear legal directives

☐ Discuss in detail the matters that cannot be resolved through ADR.
☐ Conclude the session by thanking everyone for their active participation.

Step 06: Alternative Dispute Resolution (ADR)

Alternative Dispute Resolution :

Alternative Dispute Resolution (ADR) is a relatively new concept. It is often used as a synonym for litigation or lawsuits. However, it does not follow the traditional court processes to resolve issues. ADR refers to the process through which parties unwilling to go to court resolve their existing disputes through alternative mediation, outside the conventional judicial system. The main objective here is to avoid the complexities and delays associated with legal cases. There are several processes involved in ADR, primarily resolved through three methods, which are as follows:

1. **Mediation**
2. **Arbitration**
3. **Negotiation**

Need for ADR

- The ADR process is not public; it is limited to the parties involved, meaning that the resolution of the dispute and its outcomes are not disclosed publicly, thus maintaining the confidentiality of the parties involved.
- It is less formal than the conventional judicial system and does not require extensive documentation.
- The resolution of the dispute occurs through the active participation of both parties.
- Disputes are resolved in a shorter time frame and at a lower cost.
- Resolving disputes through ADR reduces animosity between parties in the future.

Relationship Between ADR and Village Courts Section 31

The Village Courts Act, 2006, provides an opportunity for disputing parties to discuss their issues in front of the Chairman. If, after the discussion, both parties reach a similar decision and agree to compensate the complainant as per their demand, the dispute is resolved promptly through Section 31. The dispute is alleviated through discussions between the two parties in the presence of the Chairman.

Pre-Trial
After the establishment of the village court, the Chairman plays a crucial role as a mediator to resolve disputes. According to Section 6(b) of the Village Courts Act, 2006, at the end of the first hearing, the Chairman of the village court will attempt to resolve the dispute through mediation.

Types of ADR:

What is Mediation?

Mediation is a method of dispute resolution that primarily refers to compromise. It involves the presence of a third party, who facilitates the parties in dispute to reach an amicable resolution. Mediation is a voluntary process in which a neutral third party assists the parties in finding a solution. It is a formal and non-adversarial method where the parties collectively make decisions on their own.

In the legal glossary edited by former Chief Justice Muhammad Habibur Rahman and Anisuzzaman, mediation is described as "a form of alternative dispute resolution where an independent third party helps the disputing parties engage in discussions to reach a mutually acceptable resolution. A mediator can be a lawyer or a specially trained individual who does not have decision-making power and cannot compel the parties to accept any resolution."

The IFC Mediation Handbook, created by the International Finance Corporation, states, "Mediation is a simple and social method of conflict resolution, where a neutral third party or a group of neutral individuals assists the two disputing parties in reaching a mutual understanding to resolve their conflict."

Mediation can be categorized in various ways, such as court-connected mediation and out-of-court mediation. When a judge conducts the mediation process, it is referred to as judicial or court-connected mediation. Conversely, when mediation occurs through other means, such as through a lawyer or a third party, it is called out-of-court mediation.

Arbitration
Arbitration is an informal judicial system for resolving minor disputes in both civil and criminal matters. Many disputes arise from land issues and family conflicts, which are often easier to resolve through mutual understanding. Although resolving minor criminal offenses should ideally avoid retaliatory attitudes, the tendency to fight often leads to court cases, regardless of their trivial nature. This results in unresolved disputes, further increasing division and hostility between the involved parties and the community at large.

Discussion
When a process encourages and facilitates direct discussions between two parties without a third party's mediation, it is termed discussion. Through discussion, the parties resolve the disputed issue amongst themselves.

Evaluation: Post-Training Assessment

Topics to Discuss:

- Assessing the knowledge gained by the trainees on the training subject
- Evaluating expectations
- Verifying the objectives of the training

Objectives:
At the end of this session, participants will be able to:

1. Assess how much of their expectations have been fulfilled through the training.
2. Participate in the post-training evaluation activities.
3. Articulate the goals and objectives of the training.

Methodology:

- Lecture and discussion
- Question and answer session
- Training evaluation questionnaire

Duration:
20 minutes

Materials Needed:

- Training evaluation questionnaire
- Posters, banners, leaflets
- Scissors, cutters, tissue
- Poster paper, whiteboard, markers
- Multimedia and projector
- Sound system, digital banners
- Question papers, folders
- Notebooks, notepads, brown paper, pens, pencils
- Colored paper, glue, tape, board pins, ribbons

Process:

1. Distribute one VIP card to each facilitator and ask every participant to write down five topics they learned in accordance with their expectations from the training. Before writing, explain the procedure for using the VIP card to all participants.
2. Once writing is complete, collect the cards and read them aloud. With the assistance of co-facilitators, display the learnings on the VIP board. While displaying, categorize the learnings into different types.
3. At this point, provide each participant with the training evaluation questionnaire and ask them to fill in the blank spaces with their answers. Allocate a specific time for answering. After the allotted time, collect the answer sheets.
4. Inform participants that their results will be communicated to them in due time.
5. Thank everyone for their cooperation in this session and conclude the

session.

Closing Session: Conclusion

Topics to Discuss:

- Announcement of the conclusion of the training program

Methodology:

- Lecture and discussion
- Question and answer session

Duration:
10 minutes

Materials Needed:

- Poster paper
- Whiteboard
- Markers
- Multimedia and projector
- Sound system
- Digital banners

Process:

1. The facilitator will invite two or three participants to share their opinions about the training. They will discuss how they felt about the training and how much they believe it will benefit them in their daily lives.
2. Following this, the facilitator will introduce the guests attending the training closing session.
3. Finally, the training program will be officially concluded through speeches from the guests.