

# BLAST LEGAL EMPOWERMENT MODEL

Regional Conference:  
Empowerment and Rights of Communities: *Lessons & Best Practices*  
**Rural Support Programmes Network**  
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**Islamabad, Pakistan**

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**BLAST**

Bangladesh Legal Aid and Services Trust

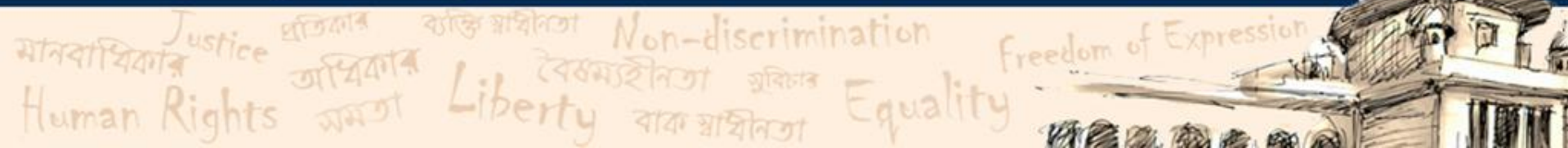
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# OUTLINE

- 1) Bangladesh Context
- 2) BLAST Overview
- 3) Legal Empowerment Model
- 4) Partnerships & Alliances
- 5) Activities
  - Legal Awareness
  - Mediation
  - Litigation
  - Investigation
  - PIL & Advocacy: Case Study
- 6) Challenges/ Achievements

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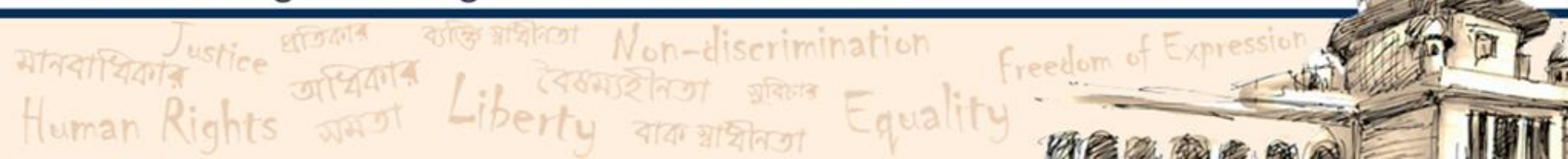
# I. BANGLADESH CONTEXT

## ENABLING ASPECTS

- Strong Constitution protecting Fundamental Rights
  - Non-discrimination (Art 28)
- PILs in Court
- Secularism (but Islam is the State religion)
- Vibrant civil society, especially women's rights organisations

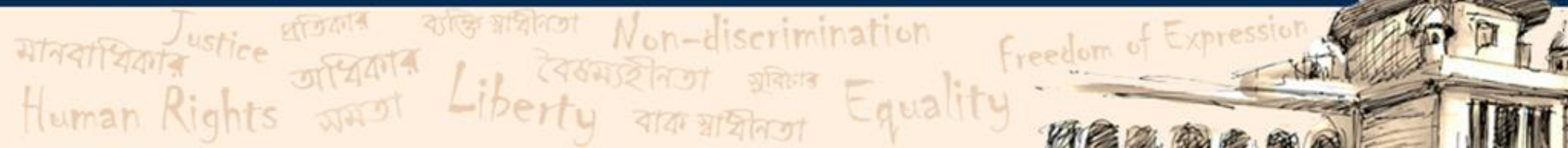
However, the Justice System is ***Largely Inaccessible*** to the majority

- Poverty
- Limited public awareness of rights or remedies
- Limited availability of legal services and social safety nets
- Endemic Corruption – bias towards the powerful & political



## 2. BLAST OVERVIEW

- **Non-governmental specialist legal services organization**
- **Established in 1993**
  - Not for profit company limited by guarantee
  - Resolution of the Bangladesh Bar Council
- **Mission:** To make the legal system accessible to the poor and the marginalized
- **Vision:** A society based on the rule of law in which every individual has access to justice and their human rights are respected and protected
- **Structure:**
  - Head Office in Dhaka, 19 District-level Offices (out of 64 districts)
  - 4 urban slum-based Legal Clinics
  - 2 university based Legal Clinics
  - 300+ staff (including lawyers and paralegals)
  - 2500+ panel lawyers



# 3. LEGAL EMPOWERMENT MODEL

**BLAST**

BLAST undertakes complementary projects in addition to its core program

**Partnerships**

**District/  
Local**

**National**

SC

PILs

Advocacy/  
Research

Capacity  
Building

Legal  
Awareness

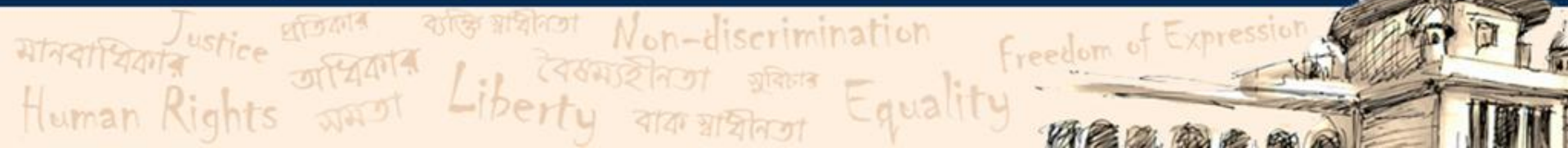
Mediation

Litigation

Investigations

Advocacy/  
Networking

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# 4. PARTNERSHIPS & ALLIANCES

## Partners and Alliances – NGOs, trade unions, local elected bodies

- 126 Memoranda of Understanding with NGOs, trade unions and local elected bodies
- Memberships of issue-based Coalitions (eg Citizen's Initiative against Domestic Violence/ Domestic Workers Rights Network)

## Close ties with the Legal Profession, Judiciary & Bar

- Nationally - 11 member Board (senior lawyers, judges nominated by CJ, jurists)
- District Management Committees - include (former or current) President of District Bar Association

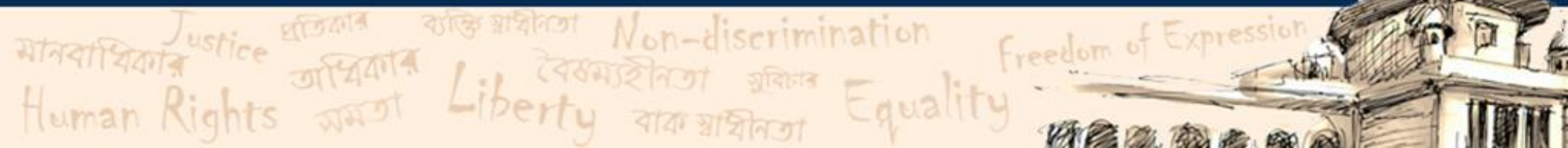
## Working Relationships with the Government

- NLASO (National Management Board) & 14 District Legal Aid Committees (members/observers)
- Volunteer at Victim Support Centre (MoU with Police) in Dhaka & Rangamati
- National Human Rights Commission (on its Investigations Panel)

→ Cross-referrals for services, eg health and emergency shelters

→ Collaboration with advocacy, PILs, training and other initiatives

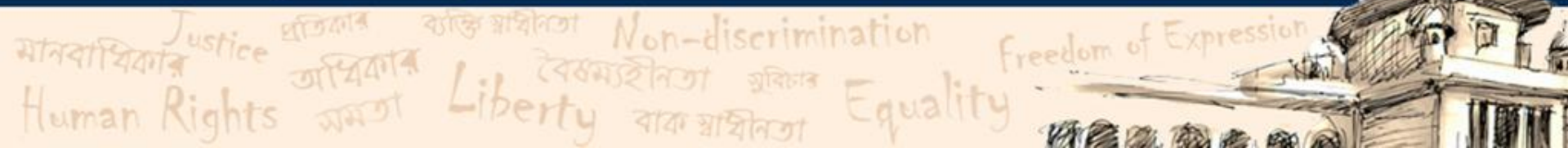
→ Improves visibility in other sectors





# 5. LEGAL AWARENESS

- **Education on rights, remedies and available services**
- **Community-Level Dissemination**
  - **Rights Awareness meetings, Information Campaigns**, including social media, internet radio, local print media, **Rights Awareness Melas**, inc culture shows, dramas, art competitions, etc, **Dissemination** of leaflets, posters, booklets, etc.
  - **Community-based organisations** –union level
- **Session Models**
  - **Involving all stakeholders**
    - Labour law - Awareness sessions (workers) & Sharing Meetings with employers, compliance officers, NGOs, trade unions
  - **Group division by gender and age**
    - SRHR groups creates gender- and age- specific content
  - **Using permanent groups**
    - Family law - Permanent Groups include persons with positions of authority
    - Multiplier effect

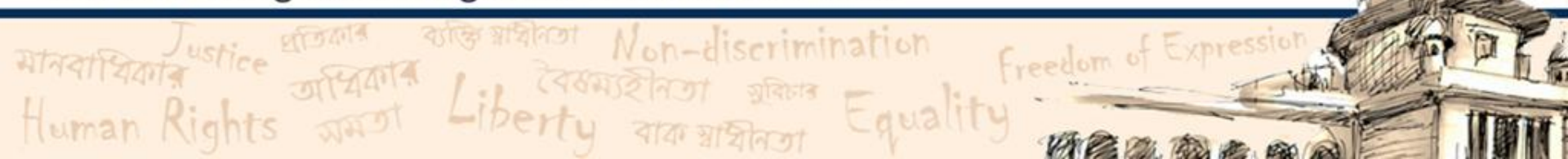


# 6. MEDIATION

- Builds on the traditional local justice system (*shalish*)
- Cost- and time- effective alternative to FJS

## Basic Principles

- ***Mutually Agreed Settlement*** between two parties
- BLAST only ***facilitates*** the decision
- Client must ***agree*** to the mediation
- Positively encourages ***female participation***
- ***Compliance with the law***
- Inclusive space without bias re gender, minorities, disabilities

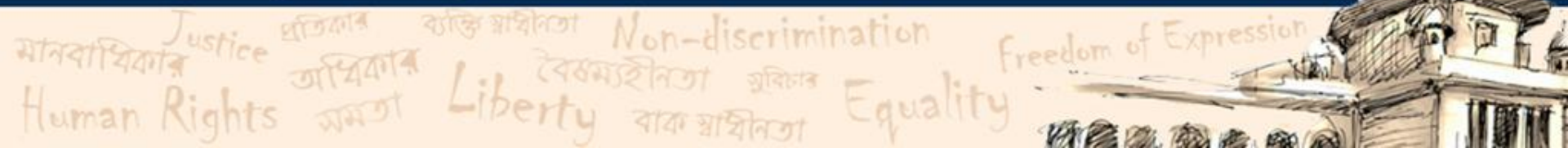




# MEDIATION MODEL

- **Criteria:** Family, Land, Contract, Labour (excl compensation); compoundable criminal cases
- **Application** – Date set immediately & opposite party notified by letter
- **Absence of Parties**
  - Opposite Party: 2 reminder letters & refer to Litigation
  - Client: Letters & phone-calls; continued absence results in file being closed
- **Participants:** Attended by parties, and accompanied by relatives, friends, local community, and sometimes lawyers
- **Session:** Trained staff facilitates discussion amongst all participants
  - Space for parties to speak alone (under BLAST observation)
  - Take up to 2-3 mediation sessions
- **Decision** is recorded at BLAST & shared with both parties
  - A clause detailing legal repercussions if the conditions are violated
- **Follow- up** of Mediation Sessions six months after settlement
- **Annual Client Review Meeting** – Evaluation of BLAST services
- **Unsuccessful Mediation** – refer to Litigation, or close files

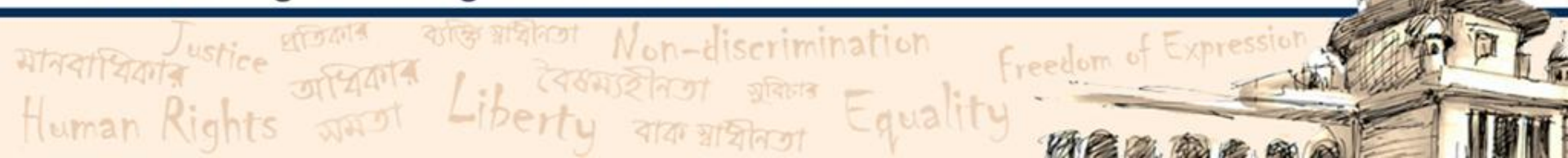
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# MEDIATION

## Challenges

- Influence of local power structures and local leaders
- Lack of awareness of benefits of mediation
  - Awareness Sessions involving all stakeholders
  - Recourse to litigation
  - Increase visibility & outreach through partners
- No enforcement mechanisms
  - Compliance with the law
- Conducting mediations at local levels
- Meeting the need for proper training of mediators



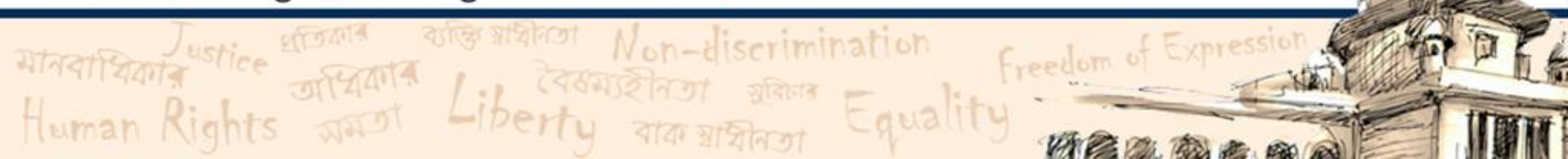
# LITIGATION

- **Means Test-** Income less than Tk 6000 per month (USD 75)
- **Merits Test:** Is there likelihood of getting relief?
- **Service –Village Courts** - Magistrate Courts – upto Supreme Court (AD); including Labour Court; Special Tribunals
  - Over 67,500 cases since inception
  - 2012 - 63 new cases before the Supreme Court
  - 32 cases under the DV Act 2010
  - 2,611 Labour Court cases
- **Lawyers:** Staff lawyers and 2500+ Panel lawyers
  - 3-5 years experience
  - Stages- approved by DMCs, Head of Legal and approved by ED



# LITIGATION MODEL

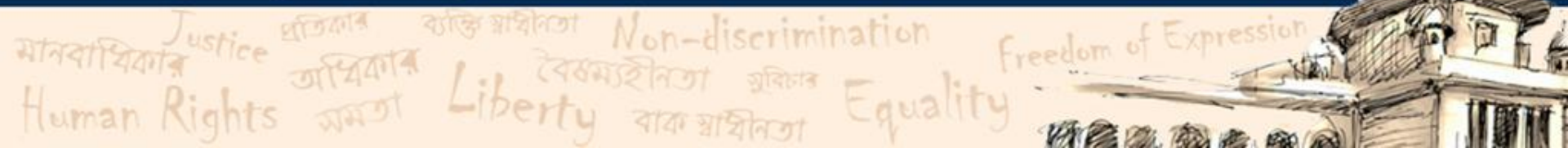
- **Receipt of Application**
- **Approval** by DMCs or ED – on merit-basis & guideline
- **Sent to Panel Lawyer**
  - Clients may voice preference
- **Verification:** BLAST verifies that the lawyer has filed/taken appropriate steps through the Court
- **Monitoring**
  - Staff lawyer visits Court on specific court dates & updates the client
  - Liaises with the panel lawyer to ensure case moving forward
- **Complaints**
  - Written Complaint
  - Panel lawyer removed from case & new one assigned
- **Assistance** with collection of certified copies of judgment or orders
- **Follow-up** of cases after six months
- **Annual Client Review Meeting**



# LITIGATION

## Challenges

- Severe backlog & delays in courts
- Too few courts, esp at local level
  - Focus on ADR
  - Relationships with lawyers and judiciary
- Lack of support services – client & witness protection
  - Referrals, esp available government services
- Court environment not friendly (gender, PWDs, minorities, poor)
  - Advocacy & Capacity Building
- Case Management and Monitoring is a challenge
  - Case-tracking & data collection
  - Case Co-ordination Committees
    - Monthly dialogue between key criminal justice system actors, to review ongoing cases involving vulnerable prisoners, tackle the case backlog, and monitor project implementation



# INVESTIGATIONS

- On-site Investigations into human rights violations
  - Linked to pending cases or in preparation for cases
- RTI Applications: Five apps in 2012
  - Nature and status of VAW in CHT; Deaths and injuries in road accidents
- Strengthening Institutional Mechanisms for Investigations
  - Operationalized 3 Justice Forums
    - comprised of local human rights defenders, to monitor human rights, engage justice sector actors and take appropriate action
  - Assisted in developing NHRC's Investigation Policy

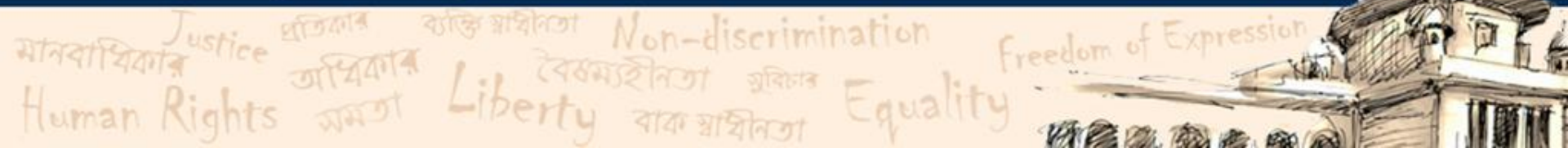




# Advocacy

- **Issue-based Advocacy – Develop recommendations & policy briefs**
  - District level Workshops
  - Issue-based Roundtables and Sharing Meetings
  - In-house meetings for sector-specific stakeholders
  - National Conferences
- **Research on relevant issues**
- **Legislative Advocacy** – utilizing GO/NGO relationships
  - Meetings with Parliamentary Standing Committees, NHRC, Law Commission and relevant Ministries
- **Media Advocacy** at national and local level eg press releases, press conferences, sharing meetings and publishing articles
- **Examples:**
  - DV Act

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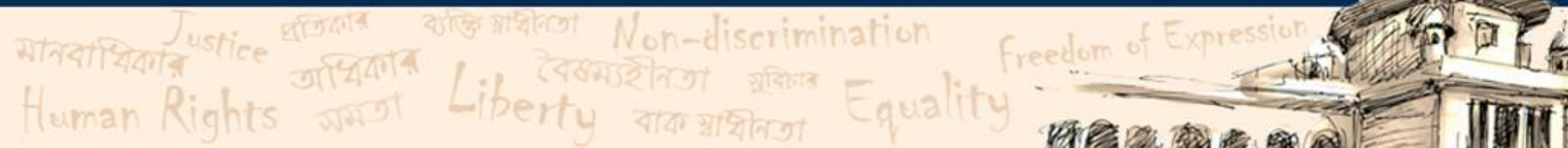
# Public Interest Litigation (PIL)

## Public Interest Litigation

- Ensure authorities comply with their statutory duties in upholding HR
- Conducted 100 PILs
- In collaboration with other leading NGOs

## Significant PILs include:

- **Women's Rights:**
- Banning of extra-judicial punishments through “Fatwas”;
- Banning of forced veiling of women
- Sexual Harassment
- Banning of forced marriage



# Case Study: Ending CP Project

- **PIL Judgment (2010)**

- Declaration that failure to prevent, prosecute and punish CP is a violation of fundamental HR
- Directions inc teacher training, raising awareness and monitoring of educational

- **Success of Advocacy at Ministerial Level**

- Circular and Guideline defining and prohibiting CP
- Law Commission recommending amendments/repeals based on BLAST Memorandum

- **Community-level Action**

- **Draft Child Rights Protection Policy**

- collaboration with SMCs, parents/teachers, NGOs, and child rights experts

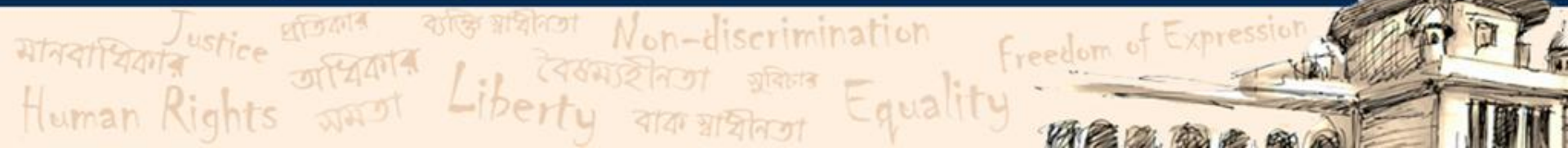
- **Raising Public Awareness**

- Awareness sessions for parents, caregivers, community leaders, and stakeholders
- Publication and dissemination of Judgment, Circular, and Guidelines
- Formation of CBOs and Volunteer Groups

- **Individual Follow-up**

- Tracked reported incidents of CP and conduct follow-up action
- Provision of mediation, litigation and client support services from our offices

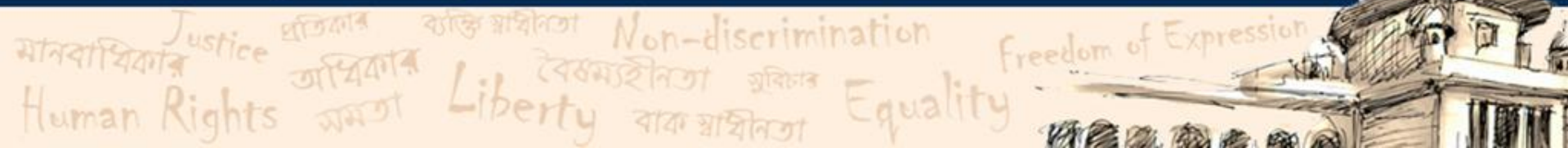
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# PIL and Advocacy

## Challenges

- Social resistance within communities
  - Awareness sessions
- Lack of state action for dissemination of court directives (english, legal texts)
- Inadequate access to IEC materials on judgments
  - Utilize dissemination channels
- Lack of compliance and willingness by concerned authorities, particularly where direct conflict with or challenge to state authorities
  - Advocacy with relevant stakeholders
  - Maintain public pressure



# ACHIEVEMENTS

- Dealt with over **68,000** court cases and 26,500 mediations
- Demonstrable shift in traditional value and practices
- Greater participation of women in mediation sessions and society
- Higher legal literacy & awareness- increased applications to BLAST
- Developed an effective forum for sharing between civil society groups, justice sector actors and service providers
- Landmark judgments in securing fundamental rights through 100 PILs
- Legislative and policy reforms
  - Legal Aid Act 2000 – drafting, recommendations for amendments
  - DV Act 2012 (Drafting Committee)
  - Amendments to labour laws

