

The Lantern of Legal Literacy

BRAC

WOMEN ACROSS BANGLADESH face discrimination as a result of their social subordination to men in a long-established patriarchal society. Access to a holistic set of services and provisions such as livelihood, property, and basic amenities such as food, clothing, shelter, essential healthcare and primary education are often denied to women due to age old prejudicial religious and customary practices. Weak implementation of formal laws and legal structures add to this dilemma. As a result, women's mobility and participation within their communities are restricted and their voices muted when seeking claims to equitable rights.

Legal education is a bridge to legal empowerment for poor and vulnerable communities such as poor women in most communities. Bangladesh is not an exception. Via this nexus of poverty and education, awareness of the laws and the legal system creates an opportunity for these groups to use their new found knowledge and helps women organize themselves to defend against social prejudice and violations that occur within their own homes and localities. In this way, these marginalized populations are transformed into human rights advocates and receive respect and dignity within society in recognition of their unique roles.

There are a host of non-governmental organizations (NGOs) working in Bangladesh on legal empowerment interventions aimed at achieving access to equitable justice nationwide.

BRAC

BRAC began its activities in 1970 with a post-cyclone relief program. BRAC was officially established in Bangladesh in 1972 by Sir Fazle Hasan Abed. It is a development organization dedicated to the alleviation of poverty by empowering the poor to realize their potential and bring about positive change in their own lives. Its approach, therefore, is comprehensive with services in education, health care, social and economic empowerment, finance and enterprise development, human rights and legal aid, agriculture and food

security, as well as environmental sustainability and disaster preparedness. BRAC has substantial operations in a growing number of Asian and African countries since 2002 including the Caribbean region of Haiti, where it can achieve a major impact on reducing poverty and improving livelihoods.

Human Rights and Legal Aid Services Program

Immediately after the independence of Bangladesh in 1972, it expanded its focus to include conscientization of the poor, aiming at sensitization regarding the causes of exploitation. In the mid-1980s, BRAC established the Human Rights and Legal Aid Services (HRLS) Program. Originally known as the Paralegal Program it was created to defend the rights of poor and marginalized populations through legal education, legal aid, and supportive services to realize legal empowerment. The program's mission is to protect vulnerable communities from discrimination and exploitation and ensure equitable access to justice. The HRLS program is the largest NGO-led legal aid initiative in the world.

With the aim of focusing a rights-based lens to human development, the objectives of HRLS are to:

- Create awareness on human rights and laws to empower the poor and marginalized through community mobilization and capacity building
- Resolve conflict through legal aid services
- Utilize the legal system to reduce violence against women and children
- Sensitize actors in the legal system in the principles of human rights and gender justice
- Help to build a critical link between government and rights-based organizations to energize social action
- Work towards institutional reform and implement best practices.

Three-pronged Approach

HRLS promotes a three-pronged approach to service delivery consisting of the following:

Human Rights and Legal Education - The human rights and legal education (HRLE) classes educate women about their legal rights, fundamental

laws, and existing legal aid frameworks to create the critical mass needed to oppose injustices.

Community Mobilization - Workshops with grassroots community leaders are organized locally to increase awareness on gender equality, encourage participation, and develop human rights knowledge. Mobilizing the elite is a first step to reducing corruption and enhancing coordination to prevent structural mistreatment of vulnerable people in both government and social institutions.

Legal Aid Clinics - The HRLS program has five hundred seventeen legal aid clinics countrywide. The clinics are a one-stop solution for poor and excluded community members especially women to receive legal counsel, have access to alternative dispute resolution (ADR), legal coordination and support networks. With these resources HRLS helps individuals build a case, understand the legal system, and get the comprehensive medical and social support they need in the wake of an injustice.

The proceeding segments of this article highlight the nature, scope, and positive impact of the HRLS program's legal literacy model in threading legal awareness and social behavioral change into the fabric of grassroots communities around Bangladesh.

Human Rights and Legal Education

The HRLS program operates a hallmark legal education component titled Human Rights and Legal Education (HRLE) that ignites a legal justice seeking-culture among HRLE course graduates. The HRLE model was inceptioned in 1986 with a cadre of barefoot lawyers. These barefoot lawyers, known in Bangla as *Shibikas* or volunteers, are trained as instructors of the legal awareness classes. They travel off the beaten path from village to village and impart legal education to grassroots communities mainly women. The legal literacy course teaches Bangladesh Constitutional law, criminal law, Muslim and Hindu Family Law, Muslim and Hindu Inheritance Law, Christian Inheritance law, land law and also portrays the functionality of Bangladesh's formal and informal legal systems.

a. Current curriculum structure

A new curriculum has recently been developed to shift the paradigm from a purely legal literacy focus to one of rights articulation. This HRLE curriculum is held for twelve days.

The launching pad of the HRLE curriculum is a situation or entitlement (such as property rights) around which a discussion of laws, policies and procedures that support access to justice follows. Some lessons in the new curriculum include 'family, society and me', 'abuse', 'gender discrimination' in society, 'legal terms' such as GD (General Diary), FIR (First Incident Report), etc. The classes also include exposure visits that are meant to demystify government bureaucracy and procedures essential to accessing legal support and justice. Three high performing participants from each HRLE class are chosen to form a Rights Realization Committee to support community members in articulating demand for property rights. They undertake visits to key government offices. Along with helping demystify government bureaucracy and procedures essential to accessing legal support and justice, the visits can assist in making these institutions more approachable for locals.

Table 1: Major contents of the new curriculum

New HRLE Course Syllabus	
Day 1	Family and social analysis
Day 2	Social discrimination and gender
Day 3	Abuse
Day 4	Basic rights and entitlements
Day 5	Marriage
Day 6	Dowry
Day 7	Divorce, separation, guardianship and custody, post nuptial rights
Day 8	Police duties and jurisdiction
Day 9	Hindu, Muslim and Christian woman's right to land
Day 10	Opportunities for women to utilize, own and control land
Day 11	Land mutation, tax and <i>khas</i> (state-owned) land
Day 12	Closing day

b. Capacity development

The new teaching methodology, which is undergoing an initial testing phase, incorporates a problem-solving approach to legal literacy by centering the rights-based curriculum in the context of the social and economic profile of participants. Class participants are encouraged to identify barriers preventing them from seeking justice and are guided to think strategically to overcome them. The HRLE Shebikas are being retrained in the new interac-

tive teaching methodology. These refresher trainings are outlined in greater detail below.

- Barefoot lawyers participate in refresher trainings based on their own unique schedules:
- Monthly Refreshers are held at field level for one day each month
- Yearly refreshers are held at BRAC Learning Centers for six days.

Daylong and yearly refresher trainings of HRLE Shebikas are conducted by HRLS field-based trainers. The former is held in either BRAC's area/branch offices and the latter are conducted in BRAC's Learning Center's training institutes. The refreshers are an effective way of standardizing the quality of the Shebika's performance and of keeping them updated on current laws.

c. Participant profile

The profile of HRLE participants typifies BRAC's efforts to work with poor and vulnerable communities especially women, organize them, create a conducive environment for them to lift themselves out of poverty, and raise their voices against injustice. HRLS selects women from destitute communities who lack knowledge of existing laws and the legal system with a scope to visualize and understand how the legal framework can work for them. Both BRAC and non-BRAC program participants and local community members participate in the HRLE Class.

No learning experience is complete without students being able to apply their theoretical knowledge empirically. HRLE gives course participants the opportunity to put their legal literacy skills into action. After the completion of the HRLE course, three best graduates form an Odhikar Bastobayon Committee (OBC) or the Rights Implementation Committee. These groups are perceived as human rights advocates as they assist in quelling rights violations that occur within their communities. In this way, both the barefoot lawyers and OBC members are critical links for accessing justice for human rights offences.

d. Materials

The HRLE class is premised on image-based learning patterns as the majority of the participants are illiterate. The illustrations are action-based images that synchronize with each lesson, topic, and sub topic.

BRAC uses a mixed bag of learning materials in the HRLE class. The list below is per class:

- 1 Chart (Outlining specific laws)
- 1 Poster (Discussing ‘Who am I’ within the greater social context)
- 1 Poster (Illustrating the myth that ‘My wife does not work’)
- 1 Guide (For use as a resource by the Shebikas)
- Pictorial Cards (showing gender perception related scenarios).

e. Activities undertaken

HRLS has continuously implemented its legal literacy program for twenty-six years. Educational activities had been held in various parts of Bangladesh, and actions taken by the course participants have run into thousands, with more than three million community members as participants. Below is a summary of the statistics on activities undertaken through the years.

Table 2. Activities undertaken till September 2012

Human rights & legal education classes held	162,516
HRLE graduates	3,759,330
Community leaders' workshop held (union, <i>upazila</i> [sub-district] and district level)	15,428
Complaints received	182,170
Complaints resolved by ADR	98,430
Cases sent to court	33,524
Judgment received in favor	16,620
Monetary compensation received through ADR and cases	828,963,376 Bangladeshi Taka (BDT)

The Barefoot Lawyers

The HRLE has helped community members obtain the necessary knowledge, skills and attitude on using the law and human rights principles to resolve the problems they face in their communities. As shown in Table 2, thousands of cases have been received and brought to various forums (alternative dispute resolution mechanisms and courts) and were resolved.

These barefoot lawyers have stories to tell. Their stories provide concrete image of the effect of legal literacy. The stories of two barefoot lawyers, Alea Begum and Mukul Jaan, provide good examples of the lives and commitment to action of human rights agents working in the HRLS program.

Alea Begum

Alea Begum is a HRLS barefoot lawyer from Narayangonj. Her inspiration to become a human rights worker sprang from her struggle to secure a decent education as a child due to her family's economic background.

To Alea, education and social awareness was the golden thread of social change. Unfortunately, Alea's hopes of completing her education were short lived. When she was studying in Class 6, she was married off as a child. However, this did not prevent her from finishing her studies. With this conviction, Alea went on to successfully complete her formal schooling and higher education.

With equal confidence, Alea proved her intellect and talent while assuming versatile roles as a nurse providing first aid within her neighbourhood, as well as an accounts clerk, and a worker at a cooperative society where she even went on to instruct local women on handicrafts work. Alea's first ever exposure to BRAC came when she became a BRAC school teacher by renting out her own home to this institution. Shortly afterwards, Alea extended her skills to set up a local committee comprising of mothers whose children studied at this BRAC School. At this forum, Alea encouraged members to talk about community-based agendas.

At the time, Alea believed that though she had come this far because she was educated, literacy alone was not the only key to addressing social issues and upholding human dignity around her. It was then that Alea took up training to become an HRLE barefoot lawyer in 1999.

As a passionate human rights advocate of the HRLS program, Alea not only imparted legal literacy to rural grassroots women but also proactively promoted mediation of family disputes and prevented rights violations such as child marriage, domestic violence incidences, etc. from occurring within the community. Alea's life-changing experiences did not stop here; her charisma and unique leadership qualities led her to newer heights when she was elected as Vice Chairman of the local government's Union Parishad (Assembly). Under this dynamic role, Alea went on to curb a series of injustices, e.g., protesting against child rape, etc., for which she received acute criticisms and death threats from locals for daring to act against such culturally sensitive issues. Despite this tumultuous chapter in Alea's life, she continues to battle against all odds and work diligently for rural, social, and human development.

Today, Alea lives life with the philosophy that female liberties must stem from one's own home. With this empowering strength, she believes women's lives will change dramatically.

Mukul Jaan

Mukul Jaan comes from Gurudaspur, in the Natore district in northern Bangladesh. She is a member of the HRLS grassroots advocacy network OBC.

Mukul Jaan became inspired by the idea of upholding human rights and dignity of destitute people from her neighbors who were either attending or had completed the HRLE course. Mukul's acquaintances often discussed the significance of the knowledge they had acquired from the HRLE course. Their level of awareness on laws including formal and informal frameworks, not to mention their motivation, began to inspire Mukul Jaan towards a fresh outlook on a community congregating and stopping injustices from occurring within their localities. Without any hesitation, Mukul enrolled into the HRLE course.

Mukul Jaan completed the HRLE course successfully. She felt happy to have gotten the opportunity to learn about the various laws of the state and the legal justice system that is currently in place like her neighbors did.

After Mukul Jaan became equipped with theoretical human rights and legal awareness from the HRLE course, nothing could stand in her path from applying this intelligence in vital real life situations. It was an episode on 31 October 2012 that sparked a flame in the hearts of Mukul Jaan and her fellow OBC members, Monwara and Afela. Mukul and her comrades demonstrated their ingenuity in preventing a child marriage from taking place in their community. A student of Class 5 named Rizwana was being forced by her family to marry. On hearing this startling news, these OBC members gathered themselves together and hastily reached Rizwana's house. During their visit, Mukul Jaan in particular spoke out about child marriage being a punishable offense. She explained how this crime had dangerous consequences on a girl child in terms of health risks, she spoke of the pitfalls of stopping Rizwana's education, and how this incident will inflict grave psychological trauma on Rizwana.

Despite the OBC's audacious efforts, Rizwana's family still decided to go ahead with their daughter's marriage. The OBC's inability to dodge this violation compelled them to seek a more stolid stance on the matter. Mukul Jaan and her two other OBC colleagues sought the Union Parishad Chairman's guidance

and assistance to stop Rizwana's wedding immediately. In the end, this collaborative attempt proved to be successful. Mukul Jaan and the OBC's relentless efforts to quell this child marriage has given Rizwana a new lease on life. She has resumed her formal education due to her family's newly acquired social awareness against this injustice and is now living in an environment that is conducive for her to continue leading a happy and healthy lifestyle.

The social implications of this story are that without the HRLE course, Mukul Jaan would not have been able to access legal literacy as a weapon of defense and knowledge. The promotion of legal awareness across Bangladesh is thus the fruit of HRLS vigilant legal empowerment network.

Implementing the HRLE Curriculum: Problems and Remedies

Rolling out the HRLE curriculum in all HRLS coverage areas around the country has proved to be a mammoth task. At the onset, a host of setbacks were faced in the smooth implementation of this curriculum that were eventually vetted and redressed to produce a legal literacy course with maximum quality. These are outlined below.

a. HRLE curriculum fees

The HRLE course curriculum fee per participant is BDT 30 (about 30 US cents). Initially, HRLS paid BDT 15 and the rest by course participants. This fee translated to income for the HRLE Shebikas, which hosted the literacy course, with BDT 30 earned for each participant. However, the fee proved increasingly difficult to pay especially for ultra poor participants wishing to enroll into this course. HRLS decided not to require the payment of HRLE fee from the participants and paid for the whole the fees instead. The Shebikas still earn an income of BDT 30 per participant for holding the curriculum.

b. Long course duration

Up until now, HRLE classes were run according to the twenty-two-day curriculum. These lengthy course durations proved cumbersome for participants who were mostly housewives. These women often had to leave their homes for long periods of time and travel long distance to attend the HRLE classes. For this reason, participants were irregular and simultaneously were unable to fully contribute to household income generation incurring losses in livelihood as a whole. Keeping this in mind, the new curriculum was shortened and now stands at twelve days as outlined above.

c. Restricted HRLE participation

In the early days of the program, HRLS only enrolled members from BRAC's loan-borrowing groups known as Village Organizations. But since 1998, it has encouraged participant intake from all over the country, irrespective of their affiliation to BRAC.

d. Traditional Mindsets

A patriarchal social structure and entrenched cultural beliefs of local communities overshadowed the teachings of the HRLE course in many of the locations where these classes were being delivered. This stunted participant enrollment. Though this critical issue could not be solved overnight, it was tackled proactively by HRLS with the aid of awareness-raising tools such as workshops with local leaders, law enforcement, local government and non-government actors, including community folk, to stress the importance of human rights and legal literacy in seeking equitable access to justice on the road to empowerment. Presently, HRLS Field Organisers (FOs) pay regular visits to the HRLS class sites to monitor the impact of the classes being held amidst locals. The FOs also interact with Shebikas and course participants during these sessions to assess the participants' comprehension levels of course topics and provide due guidance on a participatory and engaging approach to learning as adopted by HRLS.

Final Note

On its 26th year of operations, HRLS' legal literacy model is more robust than ever as it still serves as a versatile tool to spread human rights and legal awareness to excluded communities across Bangladesh enabling them to become the torchbearers of a just society.

The greatest challenge now lies in rolling out the HRLE curriculum for men because this requires extensive planning and foresight on pilot areas, target populations, induction of male HRLE volunteers to teach solely male participants, etc. Impact assessments of both HRLE for women and men need to happen thus providing scope for learning and filling in gaps that will determine smoother legal literacy service delivery. With a dedicated workforce set in place, HRLS is hopeful of a positive response in setting out an inclusive and dynamic approach to legal literacy and community awareness nationwide.