

CONSULTATION WORKSHOP



ON COLLABORATION OF LEGAL AID SERVICES FOR THE PEOPLE OF BANGLADESH BETWEEN NATIONAL LEGAL AID SERVICES ORGANIZATION (NLASO) AND GIZ BANGLADESH

15 DECEMBER 2016 | DHAKA, BANGLADESH

NATIONAL LEGAL AID SERVICES ORGANIZATION (NLASO) - GIZ CONSULTATION ON COLLABORATION OF LEGAL AID SERVICES FOR THE PEOPLE OF BANGLADESH

On 15 December 2016, over 70 participants, including participants from the National Legal Aid Services Organization (NLASO) and District Legal Aid Committees from at least 20 districts, and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, gathered to discuss the future prospects of collaboration between NLASO and the Rule of Law Programme, GIZ, at the Grand Ball Room of the Ascott Palace Hotel, Baridhara, Dhaka.

The consultation workshop was jointly organized by the Rule of Law Programme, GIZ and the National Legal Aid Services Organization (NLASO). The Rule of Law Programme partners with the Ministry of Home Affairs and Ministry of Law, Justice and Parliamentary Affairs and has worked on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ) and the UK Department for International Development (DFID) since 2012.

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NATIONAL LEGAL AID SERVICES ORGANIZATION (NLASO) - GIZ CONSULTATION ON COLLABORATION OF LEGAL AID SERVICES FOR THE PEOPLE OF BANGLADESH

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NATIONAL LEGAL AID SERVICES ORGANIZATION (NLASO) - GIZ CONSULTATION ON COLLABORATION OF LEGAL AID SERVICES FOR THE PEOPLE OF BANGLADESH

Dhaka, Bangladesh – December 15, 2016

Background

Access to legal services used to be subject to the financial capability of justice-seekers. This was, however, until the formulation and enactment of the Legal Aid Services Act, 2000 by the Government of People's Republic of Bangladesh, on 26 January 2000. The National Legal Aid Services Organization (NLASO) is a national level body which has local level organizations from the District Legal Aid Committee (DLAC) to the Upazila Legal Aid Committee (ULAC) and the Union Legal Aid Committee (ULAC). Since its inception, these organizations have been widening the access to legal aid services, especially to litigants incapable of seeking justice due to financial insolvency, destitution,

helplessness and various socio-economic conditions.



The Rule of Law (RoL) programme through the 'Improvement of the Real Situation of Overcrowding in Prisons in Bangladesh' (IRSOP) project, in collaboration with the Ministry of Home Affairs and the Prison Directorate promotes

restorative justice and diversion in order to ease the pressure on the formal justice system and reduce overcrowding in prisons. As a result, the



project also expects to reduce the excessive pressure and workload on NLASO and its local level offices, by not only decreasing the number of cases but also saving money on the costs involved in a case, its prosecution and subsequent acts.

Both NLASO and RoL are working to ensure impoverished people (BDT 100,000 annual income bracket as per NLASO definition) of the country are able to access legal aid services for free. In pursuit of this similar goal, both NALSO and RoL are operating with resource and

geographical limitations that hinder legal access to beneficiaries countrywide. Therefore, they have engaged in a series of discussions in order to develop a bilateral partnership for mutual strength in delivering various services, such as legal aid, ADR and diversion. It was decided that a formal consultation was necessary to ascertain the future course of collaboration.

In light of this, a consultation workshop, in the presence of respective Ministerial and Governmental representation, NLASO Head Office and District Office Officials and RoL, GIZ officials, took place on 15 December 2016.

The objectives of the workshop were to:

1. Draw the legal aid service road map/journey;
2. Identify the various challenges at every step;
3. Recommend the scope for collaboration.

Inaugural Session

Chief Guest

Mr. Md. Mostafizur Rahman, Additional Secretary, Law & Justice Division, and National Project Director, JRCP Project, Ministry of Law Justice and Parliamentary Affairs, Government of the People's Republic of Bangladesh

Special Guest

Ms. Tahera Yasmin, Operations Director, Rule of Law Programme

Chair

Mr. Malik Abdullah Al-Amin, Director (Senior District and Session Judge)
Director, National Legal Aid Services Organization (NLASO)

The Inaugural Session started with a speech from the Chief Guest, Mr. Mostafizur Rahman, Additional Secretary, Law & Justice Division, Ministry of Law Justice and Parliamentary Affairs, Government of the People's Republic of Bangladesh. He began by unveiling the historical background of legal aid services prior to the

foundation of National Legal Aid Services Organization (NLASO), and acknowledged the contributions of the development sector and volunteer lawyers. Mr. Rahman further appreciated the bridging function (among the secured institutions e.g. Police Stations, Courts, Prisons) undertaken by the paralegals, being

strongly guided by a Code of Conduct. He called the Paralegals of the IRSOP project the 'Orange Forces', and thanked them for their contribution and dedication to reducing overcrowding in prisons of Bangladesh.

The Special Guest of the Inaugural Session, Ms. Tahera Yasmin, Operations Director, Rule of Law Programme, GIZ, emphasized the necessity of legal aid services to poor communities and highlighted both the noble intention of the

government in founding the NLASO and the magnitude of the commitment shown by the Honorable Prime Minister and the Minister, Ministry of Law, Justice and Parliamentary Affairs. She applauded the extraordinary collaboration between paralegals and District Legal Aid Committee (DLAC) officers in project district, for example Chittagong. Ms. Yasmin also stated how important it is that restorative justice is more popularized alongside ADR and mediation, especially with its focus on gender equality and in this respect, supporting women and children to access justice.

Mr. Malik Abdullah Al-Amin, Director (Senior District and Session Judge), National Legal Aid Services Organization (NLASO), chaired the Inaugural Session and began his speech with a note of appreciation to GIZ for their willingness in collaborating with NLASO. He



"A law-suit dies when everyone related to it takes hands off it and this happens due to overcrowded situation of the judicial system of the country. Alternative Dispute Resolution and Restorative Justice are therefore practical choices of time"

>> **Md. Mostafizur Rahman**,
Additional Secretary, Law &
Justice Division, and National
Project Director, JRCP Project,
Ministry of Law Justice and
Parliamentary Affairs

acknowledged the bridging function of paralegals between the district legal aid office and the prison and hoped that they would continue carrying out



"The Supreme Court has taken initiative to assist the people who have been imprisoned for 5 years and more through legal aid."

>> **Malik Abdullah Al-Amin**,
Director (Senior District and
Session Judge), National Legal Aid
Services Organization (NLASO)

their important role with the same level of commitment that they have been showing so far. Mr. Al-Amin concluded his brief speech by thanking participants for coming and announcing his upcoming retirement, before wishing the collaboration to be a great success.



"I am highly hopeful that with the initiative of deploying more than one officer in larger districts by the government, the justice-seekers will be served on a bigger scale and in a more effective manner"

>> **Tahera Yasmin**
Operations Director, Rule of Law
Programme

Presentations

As participants of the workshop were from various different organizations, presentations were made in order to orient the participants with both NLASO and RoL, GIZ from a functional point of view, and so that participants had the required understanding for the group discussions.

To start, Mr. Matubbar explained the related Acts that were the basis of the National Legal Aid



>> **Mohammad Al-Amin Matubbar**
Deputy Director
Finance & Accounts, NLASO

Services Organization (NLASO). He then took the audience through the corresponding committees (DLAC, UzLAC, ULAC) that work together to deliver legal aid services to target groups.

Mr. Matubbar also presented a pros-and-cons analysis of NLASO operations as of now. He sounded optimistic as he described a success story that reserved a total of BDT 230 million for vulnerable people needing justice, especially women and children. The toll-free number (16430) and cascading committees at Upazila and Union level that receives complaints about service delivery, to him, have been positive additions to the NLASO service portfolio.

However, Mr. Matubbar was not hesitant to discuss the challenges - he identified a lack of commitment from panel lawyers, unsteady office management, a lack of resources and case

backlog as the main factors blocking the successful delivery of legal aid.

As part of the future plans, he gave three ideas for prospective collaboration:

1. Increasing the income bracket in the eligibility criteria for receiving free legal aid in order to extend the services to a higher number of people;
2. Widening Alternative Dispute Resolution (ADR) through the 23 District Legal Aid Committee (DLAC) Officers by strengthening the referral process
3. Expanding the spread of services by establishing more DLAC/ULAC/ULAC offices and recruiting more permanent officers

Mr. Syed Ziaul Hasan, Team Leader, Policy Unit, Rule of Law Programme, then oriented the audience on Rule of Law Programme. Mr. Hasan started his presentation by describing the two components of the Rule of Law project; 1)

Improvement of the Real Situation of Overcrowding in Prisons in Bangladesh (IRSOP) in partnership with the Ministry of Home Affairs (MoHA) and 2) Justice Reform and Corruption Prevention (JRCP) in partnership with the Ministry of Law, Justice and Parliamentary Affairs (MoLJPA) and Anti-Corruption Commission respectively.

Mr. Hasan then described two case studies that provided evidence for some of the driving reasons behind overcrowding prisons and backlog in the judicial process. He evidenced the case studies with facts and figures, such as:

- 70% of the prison population are under-trial prisoners
- The rate of conviction is very low
- Imprisonment costs the Government of Bangladesh is significantly high per prisoner every year

Mr. Hasan, owing to the case studies and figurative discussions, explained that diversion is a hugely beneficial solution to prison overcrowding due to its proven success in reducing flow of cases through alternative dispute resolution. He then spoke about the paralegal service and its potential for scaling up to every district in Bangladesh in coordination with DLAC offices and prisons. He also emphasized the immense benefit rehabilitation has for prisoners both inside and outside prisons, and in particular, drug dependent prisoners. Rehabilitation, training and counselling sessions are targeted at building marketable skills as well as life skills of the beneficiaries to help them get back to normal life.

Mr. Hasan concluded by describing the 'Bangladesh Justice Audit'. The Justice Audit collects hard data from the justice institutions and triangulates the data with what practitioners, court users and citizens say.

The purpose is to provide an overview of the criminal justice system to show what is actually happening, provide an evidence-base to inform policy, resource allocation and broader justice reforms and, over time, establish trends. The Justice Audit has been and continues to be a source of effective insights for improvement to various sectors of the criminal justice system, including that of the legal aid domain of Bangladesh.



>> **Mr. Syed Ziaul Hasan,**
Team Leader, Policy Unit,
Rule of Law Programme

Group Discussions

The main purpose of the group discussions was to facilitate open thinking and learning by synthesizing cross-organizational and cross-functional views. Four working groups facilitated by a team of facilitators and equipped with guiding tools had free flowing discussions on the topics assigned. The inter-connected topics for the group discussion sessions were-

1. Drawing the roadmap of receiving/delivering legal aid service- both from demand and supply
2. Challenges within the discussed and agreed roadmap
3. Challenge mitigation recommendations
4. Recommendations on where paralegals (GIZ) can support to mitigate the challenges



The working groups generated striking ideas on the prospect of working collaboration between NLASO and GIZ at grass-root level. The groups completed their discussions within the stipulated time and prepared posters.

Once all groups were ready, each group gave a presentation of their findings. Group 1 started with topic 1 (Drawing the roadmap of receiving/delivering legal aid service- both from demand and supply) as



mentioned above followed by remaining groups who presented the remaining topics (Challenges within the discussed and agreed roadmap, Challenge mitigation

recommendations, Recommendations on where paralegals (GIZ) can support to mitigate the challenges); Drawing the roadmap of receiving/delivering legal aid service both from demand and supply, Challenges within the discussed and agreed

roadmap; Challenge mitigation recommendations and Recommendations on where paralegals (GIZ) can support to mitigate the challenges Groups also reflected on previous group presentations.



Open Forum

The open forum provided the wider audience to also give their views on the various topics presented.

During the open forum, one respected judge and DLAC Official, with reference to the Jail Code and related Act, explained that judicial magistrates are entitled to enter prison to help identify divertible cases and cases

that go in line with DLAC jurisdiction. This was an eye-opening insight for the participants of the forum.



On a different note, regarding joint-message development and dissemination, IRSOP Campaign Coordinator

Nishat Jahan spoke about legitimacy of inserting scrolls in the cable TV operators' video

channels as one popular yet affordable media for maximum outreach. She further added that these channels themselves are not legal.



Initial Findings Presentation

Mr. Ziaul Hasan, Head of Policy Unit, Rule of Law Programme, presented the recommendations in a few major areas of possible and pragmatic collaboration. The main recommendations were-

Paralegals

- Paralegals can facilitate the coordination between parties i.e. DLAC, justice-seeker, panel lawyers
- Paralegal participation at Legal Aid Meetings may support coordination
- Paralegals can assist in the office work at the District Legal Aid Offices
- Another important contribution of Paralegals is keeping in contact with prisoners' families and maintaining track-records with addresses and contacts

- Paralegals can be in charge of installing information boards with schedules of cases at DLAC offices and follow-up with panel-lawyers on the schedules

Panel Lawyers

- Panel lawyers should be contacted to ensure a committed service with incentives for motivation
- One incentive could be 'competence enhancement sessions'

Alternative Dispute Resolution (ADR)/Referral

- RoL Programme can support popularizing ADR, where applicable

- GIZ can build a research-base for compiling learnings and insights
- Deploying focal persons at police stations and courts may ease and expedite the referral system
- Supporting access to the referral system is the key

District Legal Aid Committee (DLAC)

- Competence enhancement programme at DLAC office may speed up the processing of cases and/or ADR/diversion
- Discussion on case management needs to be a regular agenda at monthly meetings
- Formulation of Case Monitoring System and Guidelines for NGO coordination
- DLAC Officials may consider inviting paralegals in their coordination meetings for ease of referencing of cases

Joint-Campaign

- Organizing effective public events for maximizing outreach
- Public Hearings could be one interesting idea
- Streamlining of messages is important to promote clear ideas
- There needs to be coordination in reviewing and developing materials
- Effective use of communication vehicles (e.g. electronic and print media) can be identified
- Exercising governmental authority in inserting messages on TV channels by availing free-spots can be discussed

Others

- Working as catalysts in influencing the evolution of a positive policy framework
- Promoting women-friendly environment to infuse confidence in the women victims

Closing Session



Chief Guest

Malik Abdullah Al-Amin, Director (Senior District and Session Judge), National Legal Aid Services Organization (NLASO)

Special Guest

Clifford Msiska, Director, Paralegal Advisory Services Institute (PASI), Malawi

Chair

Tahera Yasmin, Operations Director, Rule of Law Programme

All the guests and speakers of the closing session appreciated everyone's committed participation throughout the workshop, especially the DLAC Officers and Paralegals who traveled from the districts to the central location. The speakers were optimistic about the proposed collaboration in order to widen the reach of the legal aid services in Bangladesh to enable more people to exercise their legal rights.

Mr. Msiska emphasized the importance of commitment from the relevant parties and the proper coordination and communication for the effective delivery of legal aid services. He shared his experience in pioneering the Paralegal services and Restorative Justice System in Malawi and congratulated Bangladesh for making progress in a similar manner.



Improvement of the Real Situation of Overcrowding in Prisons in Bangladesh (IRSOP)

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