

## Dialogue Session on Implementation of the Guideline to Prevent Sexual Harassment: Present Situation

Organized by : Bangladesh National Woman Lawyers' Association (BNWLA)



At the eve of celebrating the birthday of Begum Rokeya, Bangladesh National Woman Lawyers' Association (BNWLA) organized a Dialogue on the present status of the implementation of the guideline to prevent sexual harassment at Top of the Park, Hotel Sheraton on 9 December 2010. On 14 May 2009 Honorable Justices Syed Md.Hossain and Qamrul Islam Siddiquee formed a joint bench which declared this judgement to prevent sexual abuse of women at the office, educational institutions and all types of governmental, non-governmental, semi-governmental and any other organizations.

The objective behind organizing this dialogue on this very special day was to ensure the free movement of thousands and millions of young girls and women of the society and thus ensuring the rights of women, the right for which Begum Rokeya has dreamt throughout her life. And the guideline to prevent sexual harassment can play the key role to combat the heinous act.

Attorney General of Bangladesh Mr. Mahbubey Alam graced the occasion as the Honorable Chief Guest. Amongst the distinguished guests there were representatives of different public and private universities, representatives of Bangladesh Bank, Bangladesh University Grant Commission, BGMEA, BKMEA, Print and Electronic Media, Labor Union and members of executive committee of BNWLA. The dialogue was presided over by Advocate Fawzia Karim Feroz, President of BNWLA and distinguished member of National Human Rights Commission. Advocate Salma Ali, Executive Director of BNWLA moderated the dialogue.



### Welcome speech

Welcoming everyone Advocate Salma Ali said today we are celebrating Begum Rokeya's birthday. Begum Rokeya was the pioneer of women's movement in Bangladesh. She was an inspiring figure who contributed much to the struggle to liberate women from the bondage of social malaises. She has fought her whole life for the advancement of women in every sphere of life. But even then women are still facing many forms of discrimination and violence amongst which sexual harassment is one of the most acute one. The groundbreaking judgment given by the High Court on preventing sexual harassment has not yet been fully implemented. The order makes it mandatory for every organization to form a complaint committee. Here we have gathered today to know what is the present status of those committees, whether there has been any complaint made before the committee, what steps have been taken if there is any complaint made, and we would also like to figure out who haven't yet formed any committee and what is their future plan in doing so. Moreover what awareness raising initiatives have been undertaken by the respective authorities will also be discussed today. In her speech she pointed out that a draft law on combating sexual harassment has been drafted by BNWLA and Bangladesh Law Commission and sent to Law Ministry. She mentioned that different anti-sexual harassment laws of different countries including India and judgments of different cases were analyzed during drafting the law.

### Open Discussion

**Professor Dilara Choudhury:** The definition of sexual harassment is being clearly outlined in the judgement of the High Court. Now it is required for all the concerned authorities to form a committee according to the order of the court. Jahangir Nagar University has formed a committee but that is not very formal and moreover there has been no awareness program undertaken by the respected authorities yet. If there is any complaint made before the committee, the committee recommends it to the syndicate and the syndicate takes action accordingly. The present situation is, one of the teachers of the Department of International Relations was accused of such harassment by his colleague. Recently the committee gave their decision and the accused teacher was given a mere warning against any such act in the future and the complainant teacher was asked to behave decently. This type of judgment is so very surprising and unacceptable. The directives of the High Court was not at all followed in this issue.

**Advocate Salma Ali:** This is mentionable here that the incidents of Jahangirnagar University is the origin of our petition on sexual harassment. This is the petition on which the Court gave the direction on combating sexual harassment. I would like to assure here that we would visit the University as soon as possible and examine how the authorities are dealing with the complaints of sexual harassment.

**Amena Begum:** The University Grant Commission formed a committee to investigate the incident of sexual harassment in Jahangir Nagar University in 2007. The Grant Commission has been constantly asking the public and private universities to form committee in compliance with the directives of the High Court. But this is a matter of regret that very few universities have formed such committee we cannot follow up the matter because of the lack of manpower. According to our information so far 18 public and 24 private universities have formed committees. The Grant Commission has also formed a committee of 12 members and formulated a guideline to combat sexual harassment. We have also drafted a policy. It is required for every new staff joining the organization to sign the policy. We have undertaken many awareness raising programmes also.

**Advocate Salma Ali:** BNWLA has filed another case because of the non-implementation of the High Court's directives.

**Sayed Rejaur Rahman:** At present the ratio of students studying in Dhaka university is approximately 50: 50. The ratio is almost the same in case of teachers. Whenever there is any such complaint of harassment the issue is brought before the syndicate. The syndicate takes necessary steps according to the investigation report. Recently we have taken stern action against few such people. Just yesterday one of the accused teacher was rusticated on the basis of investigation. We always try to uphold the rights of the female students of the university. But there is no separate awareness programme against sexual harassment. We have formed a committee where Honorable Attorney general is a member along with some other distinguished legal experts but there is no specific committee has been formed as per the guideline of the high court. No complaint box has been placed. There is no committee formed according to the letter of the Grant Commission.

**Advocate Salma Ali:** This is not mandatory to keep legal experts in the committees. On the contrary the authorities should keep such people to whom a victim can go freely and discuss the matter.

**Dr. Nazma Shahin:** I thank the organizers for holding such a discussion meeting on the implementation of the guideline on sexual harassment. I am representing the Vice Chancellor of Dhaka University. I would like to accept the fact that there is no such committee formed in the university according to the guideline of the High Court. In the university special investigation committees are formed when there is any complaint made. But nevertheless we are undertaking many awareness-raising programmes inside the hall against sexual harassment.

**Md. Abdul Hamid:** We have published a circular to alert everyone working in the bank that no women can be harassed verbally or physically. It is also mentioned in the circular that sexual harassment is a punishable offence. Whenever there is any such complaint, a committee is formed and the accused is being punished according to the severity of the act. But we haven't yet formed any complaint committee in compliance with the High Court's directives.

**Dr. Sayada Banu:** We are planning to insert a text of 25 or 50 marks in new curriculum of National University on sexual harassment. The main objective of the text will be teaching about prevention of sexual harassment so that the intention of sexual harassment can not grow in the mind of the student. A committee has been formed consisting of 7 members, of which 5 members are from the University and 2 from the outside, and a woman is presiding the committee. But the activities of the committee has not been started formally yet. Before forming the committee we received 2 complains of sexual harassment and investigation was undertaken. But none of the complainants were able to prove their allegations against the accused. Because the persons responsible for sexual harassment were very powerful and influential, so that nobody dared to speak against them. I personally investigated into 2 of such incidents, but nobody spoke against them although they were fully aware of the incidents. It is a shame and painful as well. We have to do something so that the witness can speak freely and fearlessly, she added.

**Khawja Jakaria Ahmad Chisty:** Not only workplaces and educational institutions but we have to take initiatives to form the committee in every single institutions. We have to initiate much awareness programs. Green University has formed a committee to prevent sexual harassment. The committee has members from outside of the university. I want to share the up to date information that the committee has not yet got any complain of sexual harassment.

**Sheepa Hafiza:** We have conducted many awareness raising programmes against sexual harassment since long before. We have arranged a workshop in 1997 on sexual harassment. In the year 2004 we have made a policy. All the staffs working in the organization has been given orientation on the policy. We have also a policy of fact finding. Anyone can make complain directly to the Director of Human Resource. Anyone dissatisfied can even talk to the Executive Director, Chairman or even the Ombudsman. There has also been a committee formed after the sexual harassment guideline. This is a continuing process. Everyday the staffs are changed or shifted, so it should be discussed more often. Those who are not complying with the order of the high court can be shamed publicly. Most of all it requires mass awareness to combat acts like sexual harassment. Victim and witness protection protocol is also very important.

**Nahid Hasan:** We have sent circular to all the enlisted garment factories to form committees. In my factory the committee consists of 3 female and 2 male members. But we haven't taken any member from outside according to the guideline. Now we will form new committees consisting of 7 members. We haven't found any complaint so far. I believe that female members dare to lodge complain because of the lack of awareness. We feel that if the guideline becomes act it can be used more effectively.

**Md. Mofazzal Hossain:** From my own experience I can say that in this type of situation 80% cases are unreported. We have asked the education council of 64 districts of the country to form committee. Meanwhile we have started process of forming a committee. In the committee there will be 5 teachers and 4 parents. The objective behind taking parents into the committee is to alert the students through their own parents. But even if the students commit such heinous act, they will be punished according to the severity of the act.

**Ishrat A. Ahmed:** As soon as we heard that a committee has to be formed to prevent sexual harassment, we formed the committee. The committee is consisted with five members. The University also took steps to raise awareness. We have already received some complains and those are being handled carefully. The teachers, who are popular and influential among the students, are being involved in the process on awareness building.

**Abdul Kader Haulader:** We have learnt about the directives of the High Court from BNWLA. We have inspected many factories and found out that few have followed the direction and formed committees but most of them haven't. We will create pressure on the authorities.

**Ishfaq Ilahi:** There is already a provision that sexual harassment is punishable offence. When they got the direction from the High Court Division they formed a committee according to the direction. Later we drafted a policy and the policy was finalized after sharing with different level. We hung the policy in different places so that the people can aware about that. The committee formed to prevent sexual harassment was consisted with four female and two male members. But the committee has not yet started its activities.

**Salma Ali:** I request the representatives of the media to tell something about the condition of their respective organizations.

**Shanaj Pervin:** I express my ignorance about the committee. But I want to tell that in my organization protection for the female workers is ensured. nevertheless I will inform her higher authority to form the committee according to the direction of the High Court Division.

**Anwer Hossain Khan:** One Islamic party is trying to say that Burqah is the only solution to prevent sexual harassment. The party is circulating this idea by hanging banner on the road. Awareness activities have both positive and negative impact. The Islamic party is calling these awareness activities as 'noise'. But the actual situation is that the woman wearing burqah are also facing sexual harassment as well.

With the help of BNWLA they are already working to prevent sexual harassment. We arranged seminars in 100 educational institutions. 100 committees were informed in 100 institutions. But these committees have not started their activities yet. A meeting will be held with the committee members before starting their activities formally. Borguna is a very vulnerable area in Bangladesh and incidents of sexual harassment are frequently taking place there. That's why it is very important to activate those committees as soon as possible.

**Md. Obaidul Islam:** I want to defer with the speech of Director, BGMEA. I did not see any committee in the factories when I inspected. I think if there is a committee in the factory, the name of the members should be hung at the main gate of the factory. The inspectors during their inspection can speak to the committee and get information about the development, if there is any. May be committee has been formed in some of the factories, but the actual situation is that there is no committee functioning. I will send a report to BNWLA how many committees has been formed and how they are working.

**Jahanara Begum:** I often come to BNWLA office along with the victims from my local area. But I am expressing my ignorance about the direction of the High Court Division regarding formation of committee to prevent sexual Harassment. I think, by forming such committee, it is possible to protect women from sexual harassment.



**Syeeda Sajia Sharmin:** It is my ignorance that I do not know about the guideline of the High Court Division regarding formation of a committee to prevent sexual harassment as well. But I promise to take action as soon as possible and will form a committee to prevent sexual harassment. We have to look into create a good human being. Because, if we are able to create good human beings then the problem will automatically be solved.

**Attorney General Mahbubey Alam:** I would like to express my thanks and gratitude to the organizer for arranging the dialogue on such an important issue. I want to tell that we have to extend awareness activities in the organizations where women are working. Sexual harassment has been spreading so enormously now that the vulnerable women even can not lodge their complains. So we have to take more effective measure on this ground. I can give an example of India and want to inform you that there is a separate bench in the Supreme Court of India. The bench is empowered to hear only the environmental cases. And thus the court is giving orders and directions to protect environment. I advise and request you that we should apply to the Chief justice of Bangladesh for constituting a separate bench in the High Court Division of the Supreme Court of Bangladesh. The bench will sit half day per week and hear only the cases related to sexual harassment, and will give necessary directions to the concern authorities. Victims will come directly to the bench with the help of any lawyer or anybody else. The direction came through a judgment of the High Court Division so if any further direction come from the High Court Division it will be more effective to prevent sexual harassment. In these cases High Court can give directions to the executive time to time and the executive is bound to follow the directions. If common people have the opportunity to speak directly to the judges of the High Court Division, they will take result rapidly. I express my intention to move forward with BNWLA.

**Advocate Fawzia Karim Feroz:** It will be wise to say that the direction has created much awareness. In the judgment it is mentioned that in all work places and educational institutions in both public and private sectors, the concerned authority will constitute a Complaint Committee in order to receive complaints, and to conduct investigation and make recommendations. The Complaint Committee will have minimum five members and majority of the members will be women. The head of the Complaint Committee should be a woman, if available. The Complaint Committee should have at least two members from outside the organization concerned, preferably from organizations working on gender issues and sexual abuse. The Complaint Committees will submit annual reports to the Government on the compliance of these guidelines. The direction of the High Court Division is so clear that there is no scope of ambiguity. Many participants asked for a new law, but it is outlined in the judgment that as long as the law is being enacted to prevent sexual harassment, the judgment will be implemented as law. Article 111 of the Constitution of Bangladesh also has this provision. So the judgment is mandatory to all concerned authorities. I hope that the institutions where committee already formed will perform their responsibilities properly and the institutions where committee has not yet formed, will form a committee as soon as possible. I thank every one for their active participation.

### Participants

- Mr. Mahbubey Alam, Attorney General of Bangladesh
- Advocate Fawzia Karim Feroz, President, Bangladesh National Woman Lawyers Association (BNWLA) and Member, National Human Rights Commission
- Advocate Salma Ali, Executive Director, Bangladesh National Woman Lawyers Association (BNWLA)
- Ishrat A. Ahmed, Chairman, Department of law, Eastern University
- Md. Mofazzal Hossain, President, Government Secondary Assistant Teacher's Association
- Khawja Jakaria Ahmad Chisty, Professor & Dean, Faculty of Science, Green University
- Dilara Choudhury, Professor, Political Science, North South University
- Amena Begum, Member, UGC
- Rafiqul Islam Sujon, Chairman, Bangladesh National Garments & Industry Labor Federation
- Dr. Nazma Shahin, Provost, Shamsunnahar Hall, Dhaka University
- Sayed Rejaur Rahman, Registrar, Dhaka University
- Sheepa Hafiza, Director, Gender & Diversity, BRAC
- Md. Abdul Hamid, General Manager, Bangladesh Bank
- Ishfaq Ilahi, Registrar, BRAC University
- Anwar Hossain Khan, Senior Vice President, Faria Lara foundation
- Abul Hossain, President, Textile Garment Workers Federation
- Abdul Kader Haulader, President, Jatio Sramic Kormochari Oikko Jot
- Murshida Akhter Nahar, Member, Jatio Garhosto Nari Union
- Nahid Hasan, Director, BGMEA
- Shanaj Pervin Ilahi, Staff Reporter Boishakhi TV
- Syeda Shjia Sharmin, Lecturer, Darul Ihsan University
- Nazmun Zaman, Researcher, BNWLA
- Advocate Hasina Rashid, Treasurer, BNWLA
- Advocate Kohinoor Begum, Director, BNWLA
- Dr. Sayeda Banu, Dean (Curriculum), National University, Gazipur
- Dr. Abul Hossain, Project Director, MSPVAW
- Md. Obidul Islam, Deputy Chief Inspector, Factories Inspection Department, Ministry of Labour
- ATM Morshed Alam, APM, Advocacy & Research, BNWLA
- Jahanara Begum, President Garments' Labour Foundation