



## SOCIAL

BRAC Research Report

July 2012

# Legal Empowerment Through Human Rights and Legal Education Course: Observations and Recommendations from Field Visits

Sharin Shajahan Naomi  
Mrinmoy Samadder

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Mrinmoy Samadder**

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**Research and Evaluation Division**  
BRAC Centre, 75 Mohakhali, Dhaka 1212, Bangladesh  
E-mail: [research@brac.net](mailto:research@brac.net), [www.brac.net/research](http://www.brac.net/research)  
Telephone: 9881265, 8824180-87

For more details about the report please contact: [sharin.sn@brac.net](mailto:sharin.sn@brac.net)

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## ABSTRACT

This study was conducted in the context of Human Rights and Legal Education (HRLE) training in Rangpur and Gaibandha under a field-testing module. To extract data for understanding the module's implications in the lives of *ain shebikas* (*community paralegals*) and learners, qualitative methods including interviews, group discussions and observations were applied. Data were collected in short-time to meet the programme need for recovering the limitations of a field testing module. The positive findings include *ain shebika*'s accessibility in rural community, bridging the gap between learners and law through the use of local vernacular and wisdom by the *ain shebikas*, inclusion of property rights and gender in the new curriculum, and adding field visits after the class, etc. In parallel, the concerning issues of the findings include not adding subjects like 'fatwa', eve-teasing, critical analysis of gender, and lack of duty-based approach in HRLE module. The limitations also became grave in respect of deeply rooted cultural and religious practice versus women's claims for rights, lack of economic empowerment and land ownership leading to disenfranchisement among women learners, and self-centred attitude in implementing the rights. Considering the limitations and risks, a broad range of recommendations are made including ideological issues - introducing duty-based approach to rights, women's independent identity as citizens, including male members in the class, as well as technical matters like using real life experience in the lessons on state's obligations, and using more clear pictures.

## INTRODUCTION

*'Empowering the poor through improved dissemination of legal information and formation of peer groups (self-help) are first-step strategies towards justice. Poor people may not receive the protection or opportunities to which they are legally entitled because they do not know the law or do not know how to go about securing the assistance of someone who can provide necessary help'* (CLEP 2008).

Legal awareness discourses on rights along with the injustice the poor face in real life is one of the key factors to empowerment. However, when BRAC began its interventions in economic, health and education for empowering women in rural Bangladesh, the legal awareness was absent. Next 14 years, the struggle of BRAC for projecting the concept of empowerment in the context of the myriad relations of power in rural Bangladesh disclosed the necessity of focusing on access to justice in the pathway to empowerment for disenfranchised people (Pereira 2011, Naomi and Tariquzzaman 2011). Based on the experience, a paralegal programme was introduced in 1988 for providing legal training on selected laws under 'Human Rights and Legal Education' (HRLE) (Hossain *et al.* 2007). In 1998, the paralegal programme turned into legal aid services as Human Rights and Legal Services (HRLS) coupled with multiple components including legal training, legal aid for court cases, arranging alternative dispute resolutions (ADR), creating different groups to protect rights at community level (Hossain *et al.* 2007).

To disseminate legal knowledge at grass roots level, HRLS developed a cadre of community-based paralegals<sup>1</sup> called '*ain shebikas*'<sup>2</sup> or barefoot lawyers to train members of BRAC's village organization (VO) on some laws under HRLE course. The works of the *ain shebikas* were expanded beyond the training of HRLE course - providing paralegal<sup>3</sup> support to the community, particularly women. During 1986 to 2008 a total of 33,381,640 women were trained to learn the laws related to marriage and family, crime against state, land, etc (Human Rights and Legal Education 2011).

However, for consistent effective development interventions, and to keep pace with time, the components of HRLS programme have gone through number of changes. In September, 2011, HRLE was revised to a great extent including the contents, durations and pedagogy. This paper demonstrates the findings related with the field-

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<sup>1</sup> A paralegal is a lay person. He or she may not possess a professional legal degree, but has qualification through education, training or work experience to perform substantive legal works. These legal supports includes advice, mediation, supporting the clients to prepare legal documents, and conducting mediation, investigation, negotiation, advocacy, mobilizing local people, community education, or mixture of these skills (Maru 2006).

<sup>2</sup> The term 'community-based paralegals' refers the paralegals who as a member of the community have intimate affiliation with the community-'both with being situated in the communities that they serve and with being generalists' (the Open Society Initiative 2010, Maru 2006 p.466). However, BRAC HRLS programme uses the term '*ain shebika*' or 'barefoot lawyers' indicating similar concept of the community-based paralegals (Pereira 2010). In this paper, '*ain shebikas*', 'barefoot lawyers' and community-based paralegal have been used interchangeably.

<sup>3</sup> Here paralegal supports include legal advice and assistance that may be necessary for legal proceeding. It does not amount to a complete legal support as the *ain shebikas* cannot represent the aggrieved women in the court.

testing revised HRLE course in the contexts of contents, pedagogy and the implications of the course in relations to *'ain shebikas'* and learners.

### **'LEGAL EMPOWERMENT OF THE POOR' – THE OBJECTIVE OF THE HRLS PROGRAMME AND ITS NEXUS WITH HRLE COURSE**

In 2007, HRLS programme was restructured to further the goal of 'legal empowerment of the poor' (Pereira 2007). In the paradigm of legal aid interventions for development, legal empowerment emerged as an alternative to 'rule of law model' to address the poverty from a holistic legal dimension (Golub 2003). The nucleus of 'legal empowerment' lies in the very concept of 'empowerment' to be 'change, choice and power' (Cheston and Kuhn 2002). In the development field, this concept inherently contains gaining self reliance, self respect, developing a sense of self worth, increasing bargaining power, understanding one's own potential, and realizing the right to exercise the freedom of choice to control life (UNIFEM 2000, Mayoux 2001). Legal empowerment addresses all these concerns from a holistic legal periphery.

While rule of law model focuses on one sided intervention to the passive victim of the violations of legal rights, legal empowerment proceeds through a vibrant system of transforming the target groups into change-agents of their lives using both legal and non-legal tools (Golub 2003). In this comprehensive package of legal awareness and legal aid, poor people get acquainted with their much sought legal identity and voice for galvanizing the democratic governance, and move forward to change their 'status quo' (CLEP and UNDP 2008). For this transformation, legal knowledge needs to go beyond mere dissemination of information towards the realm of raising critical consciousness, which endows human mind with the courage and wisdom to challenge the existing reality through question.

Regarding the issue of raising critical consciousness through education, Paul Freire's well-known concept on raising critical consciousness can be considered to be very effective for questioning the status quo and from bottom up approach. This widely used modus operandi can be a guide to transform legal aid intervention to legal empowerment, and mentioned often as an inspiring model for organizations working in the relevant areas. However, in reality, there seems a considerable gap between the way international development organizations shape a sustainable, cultural sensitive strategy and Paul Freire's concept of raising critical consciousness in a radical way.

According to Freire, freedom lies in revolutionary process where oppressed learn to question the reality from a critical standing, and work for re-creating a reality for the causes of oppressions to be wiped out along with the seeds of growing any further cause for oppression (Freire 1993). Paul Freire's ideas are more popular with the organizations, who directly challenge the power structure without any compromise, and more prone to strike the institutional structure and norms for a drastic change (Gibson 1994). On the other hand, literature review on development organization's strategy to raise critical awareness brings forth the idea of creating critical consciousness in a more cultural sensitive, strategic way and in slow motion to sustain a particular project with the consensus of community, and sometimes compromising with various power interests. This strategy, though more structured, specific and sustainable, cannot reverse a scenario in a short time, and keeps more focused on bridging the gap between the state and citizens maintaining the institution and laws.

In human rights literature, the key duty bearer of human rights is considered to be the state (The Commission on Legal Empowerment of the Poor and United Nations

Development Programme 2008). When a non-government agency takes the role to promote legal empowerment, it constantly builds platform for an exchange of non-hierarchical dialogue on the rights between the civilians and the government (ibid 2008). In this process, the agency targets the citizens to be aware with the message of active citizenship based on social and moral responsibility, community involvement and political literacy (Crick 1998). Besides internalizing active citizenship, the corner stone of legal empowerment can be counted as legal identity and voice. The identity and voice need to be accompanied with proper knowledge, organization and representation (CLEP and UNDP 2008). These cornerstones get projected within a multilateral realms crossed by i. access to justice and rule of law, ii. property rights, iii. labour rights, iv. business rights. However, in the long run, this structure obviously includes the issues of gender, power dynamics and governance issues (The Asia foundation 2010). Though in most of the times, NGOs compromise with the exact method of Freire's radical ways, they keep the endeavour in promoting the outer principle of raising critical consciousness as much as possible within the strategic methods.

Given the process of legal empowerment, it can be understood that this entire maneuver begins at the introduction of legal knowledge to the citizens. The importance of HRLE course in the pathway of legal empowerment lies in this perspective, which at the same time accounts for the necessity to have a HRLE course more aligned with comprehensive landscape of legal empowerment. Based on the findings, we made some recommendations for a supportive HRLE course for the legal empowerment of the poor.

## **RATIONALE AND OBJECTIVE OF THE STUDY**

In 2000, a study was initiated to formulate recommendations for the development of HRLS interventions (Hossain *et al.* 2007). One of the strong recommendations of that study was focused on HRLE course as a starting point for creating awareness at community level. The recommendations include: altering course content, improving the curriculum content and methods, developing more participatory process for running the class, updating and rationalizing material, changing the class schedule, including men in the class, ensuring greater stake in the class, and evaluation of class content and methods.

Followed by the recommendations, focus group discussions (FGD) were arranged with co-ordination of Research and Evaluation Division (RED), BRAC to find out an effective module for HRLE within a short time. These recommendations supported the recommendations of previous works and emphasized on the modifications of the present curriculum (Naomi and Tariquzzaman 2011). In this respect, the main concerns geared up surrounding several issues: improving pedagogical approach, having a precise and short module giving priority to the needs of the learners, the effective role of the *shebikas* or 'barefoot lawyers' in applying the lessons of HRLE course, and considering the array of hurdles a learner may face to implement the lessons.

Based on the previous recommendations, in August 2011, HRLS brought further modifications in the current HRLE module to be more aligned with their objective of legal empowerment. Six *shebikas* were trained for one day under the revised module, and began training on the field testing module in Gaibandha and Rangpur.

In order to make the module of legal training meet the needs of the target groups, as well as the objective of the programme, it is of the utmost importance to assess the

competency of field testing training module (The Open Society Initiative 2010). It includes the interdependent interactions among learners, trainers and the module itself on right-based approach to life choices. Drawing on this necessity regarding the field-testing module, a team from RED had field visits with three folded aims during that time of the pilot training:

- Supporting HRLS programme to understand the implications of the modified HRLE module on learners and *shebikas*,
- Having an insightful glimpse on the HRLE course to address the issues to be explored in-depth (including the issues related with 'barefoot lawyers' or *shebikas*, LIC, pedagogical approach, etc.),
- Based on the above two objectives, formulating recommendations so that HRLS programme can recover the limitations of the field-testing module in both short-term and long-run, and have a vision on HRLE in promoting programme's objective.

## METHODS

To extract data within a short time, a number of techniques were used. The methods include in-depth interview with *shebikas*, group discussion with learners and field organizers in separate sessions, and observation of the HRLE classes. Data were collected from Rangpur and Gaibandha where the field-testing module was used for pilot training.

### CONTENTS OF THE FIELD-TESTING MODULE<sup>4</sup>

The field-testing module includes following chapters in sequence:

- Muslim Family Law,
- Hindu Family Law,
- Constitutional Law,
- Muslim Inheritance Law,
- Hindu Inheritance Law,
- Christian Inheritance Law, and
- Land Law

Besides legal training, the module also includes field visit in *Kaji* office, Union *Parishad*, *Thana* and Land Office. However, field visit has made mandatory only for Law Implementation Committee<sup>5</sup> (LIC).

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<sup>4</sup> Please see Appendix 1 to find out the details of the contents of previous HRLE module and the field testing module.

<sup>5</sup> At the end of the course, a committee is constituted from the learners based on their performance and availability. The committee consists of three learners and supports learner's rights.



## FINDINGS

Our findings shed light on both positive and critical implications of the training under field-testing module in relation to the objectives of the field visit. An insight into the findings hinted the overlapping nature of the risks and limitations in respect of the contents, *shebika's* way of implanting the lessons, the outcome of the learning, and the challenges to implement the lessons. Taking into account the nuanced feature of the risk and limitations, the paper has discussed the positive findings separately on the contents and *ain shebikas*, and made a critical inquiry about the overlapping risks and limitations altogether.

**Table 1. Snapshots of findings: strength, limitations and consideration**

	Content	Learning status	Status of the training	Issues to be considered <sup>6</sup>
	Title of the new HRLE module	Learners	<i>Shebikas</i>	
1	1: Family and society	Well received	Confident and creative in delivery	Addressing poverty and eve teasing for child marriage
2	2: Gender discrimination in society	Focused only on the equality of learner herself and the daughters	i. Not focused on critical dimension and finding it to be too long ii. Confident and creative in delivery	Making it more precise. Identifying the gender dimension in other contents
3	3: Violence	Well received	Making the learner memorized	i. Incorporating sexual harassment ii. Incorporating 'fatwa'
4	4: Fundamental need and fundamental rights	Only memorizing		i. Inhuman punishment can be added ii. Practical examples should be given
5	5. Marriage	Understanding it only from learner's religious and social background	Confident in delivery	i. Incorporating Hindu law and marriage with inheritance ii. More details on Christian marriage iii. More details on execution of dower at the time of marriage
6	6: Dowry, divorce, separation, guardianship, custody and rights in marital property	Not retaining attention	Finding it too long	i. Dowry can be separated ii. Making the chapters separate and allocating more days
7	8: Criminal law	Not retaining the laws property	Not creative in delivery	i. Adding the examples of the legal documents

(Table 1 continued.....)

<sup>6</sup> The detailed analysis of these issues can be found in the part regarding recommendations.

(.....Continued table 1)

8	9: Women's rights in property	Well received	Confident and creative in delivery, except in <i>Hindu</i> property laws	The issues on implementation of the rights should be touched more critically
9	10: Women's control and ownership over property and resources	Well received	Well delivery with wise approach	
10	11: Mutation, tax and <i>khas</i> land	Not very interested	Making learners memorizing  Learners do not understand its significance properly	Adding the significance with practical example - explaining how a citizen supports a state by paying taxes, and this duty can make their claims against the state stronger
Learner's (LIC) field visits				
	Name of the content	Learners	<i>Shebikas</i>	Issues to be considered
12	<i>Kazi</i> office visit	Interested to go and have no hesitation and intimidation	Thinking it to be effective and necessary	i. All (LIC member, <i>shebika</i> ) need a ID card for possessing questioning power to the authority ii. LIC member and <i>shebika</i> can give their photographs. <i>Thana</i> can enlist their names in the register book of <i>Thana</i> . iii. <i>Shebikas</i> should be included in the field visit
13	Visits in <i>Thana</i> and District Land Office	Have little bit of hesitation and not familiar with the documents (FIR, GD etc)	Thinking it to be effective and necessary	i. Right to information can be included ii. Conveyance fee should be increased
14	Visits in Union <i>Parishad</i> and Union Land Office	Finding it to be important	Thinking it to be effective and necessary	

### The strengths of the present curriculum

A thorough review of the contents of HRLE course from the legal empowerment point of view unpacks the strengths of the module as follows

#### I. Shorter than the previous course; precise and more receivable to learners

The assessment of need of the target groups is paramount for furthering a project on legal education (The Open Society Justice Initiative 2010). The previous studies emphasized on the prolonged nature of HRLE course - unfit for an effective HRLE, with lengthy explanations of some contents (Hossain *et al.* 2007, Naomi and Tariquzzaman 2011). Learners found to be reluctant to compromise their income generating and household work for 22 days course. The present field-testing module

includes eleven days with precise information of some chapters, which has become more acceptable to the learners.

## **II. Incorporation of a separate content on gender**

Attention to gender equality is essential for sound development practice, and should remain at the heart of economic and social progress. Development results cannot be maximized and sustained without explicit attention to the different needs and interests of women and men (CIDA 1999).

Understanding the invisible<sup>7</sup>, yet deep impact of gender in the struggle for justice strongly equips legal empowerment projects get implanted in the community (The Asia Foundation 2010). The lessons learnt from HRLE course have always emphasized on the required interventions on gender to encounter the resistance from gender stereotyped approach in the community against women's human rights (Kundu *et al.* 2010 and Evans *et al.* 2011). The field testing module focused extensively on gender issue including a separate content on gender, and relating gender with property rights, household matters, marriage and other contents of the curriculum.

## **III. Entrenched concept of women-empowerment**

The previous HRLE module contained some topics about women-empowerment. However, compared to that module, the field-testing module included an entrenched concept of women-empowerment through hypothetical case studies and women's participation in decision-making at home.

## **IV. Emphasized on women's property rights**

Women's access to property from right-based approach amounts to a lead forward to legal empowerment entangled by other four rights: i. access to justice and rule of law, ii. property rights, iii. labour rights, and iv. business rights (The Asia Foundation and ADB 2010, CLEP and UNDP 2008). Unfortunately, the rights on property belong to the most neglected rights in the community of Bangladesh, being subject to religious and cultural subjugation (Pereria 2002). The most distinctive feature of the field-testing module lies in adding property rights of women from inherited property to the marital property with husband.

## **V. Field visits of LIC for practical experience**

The phrase, "I know it when I see it," famously penned by Justice Potter Stewart of the Supreme Court of the United States can be used to indicate the necessity of practical experience to understand the laws and its institutions better (The Asia Foundation and ADB 2010). The field-testing module allocated one day for field visits in local land office, *kaji* office and *thana*. Learners found the field visits to be very helpful in lessening the fear of inaccessibility to these institutions. After the field visits they became more inquisitive to the issues related with governance. They became confident about their rights on the institutions and sharing their experience with other women.

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<sup>7</sup> Sometimes, the influence of patriarchy and gender work in reality assuming very complicated form. Without a critical and deep enquiry into their presence, their effect to create oppression remains untouchable. These silent influential complicated issues are often termed as 'invisible' factors in feminist and gender literatures (Monagan 2010).

## **VI. Touching the private sphere of women to understand the political dimension**

Compared to the previous HRLE module, the field-testing module contained discrimination against women in more micro-level. It contained hypothetical cases where women's decision-making at home has been discussed to denote its political nature. For example, a hypothetical case includes negligence in taking women's opinion in her daughter's marriage. Later, the case is brought for further discussion with the learners to touch its personal and political dimension.

## **VII. Beginning with discrimination at 'home' and ending with claiming the responsibility from the state**

*'Previous course used to start with the content on marriage. Now we learn family, gender and then move towards marriage. It starts with awareness, which is good for the learners'. – A shebika (Rangpur)*

The present module begins with issues of discrimination that women face in their day to day life, and gradually moves to the relations between the state and citizens. This approach deemed to be appropriate in the sense that it prepared the learners little by little to encounter broader issues of justice.

## **VIII. Starting with people's existing knowledge of legal concepts, brain storming and moving forward**

A legal training should start with creating a connection with the learners based on the respect of their existing knowledge and then move forward through reflecting the bridge between the old and new knowledge (IIED and ELDF 2005). The chapters at the beginning of the module gave wide scope to the learners to refresh their existing knowledge on issues related to family, early marriage, different unethical works, opinion, and women's participation. After that, the module instructed the *ain shebikas* to raise a discussion and identify important issues of a hypothetical case. Based on brain storming, refreshing the existing knowledge and understanding the necessity for enhancing the knowledge, *ain shebika* is guided to move forward with the objective of imparting knowledge.

## **IX. Encouraging active citizenship based on 'prevent, protest and protect' of human rights**

Almost all the contents end with action-based steps touching prevent, protest and protect of human rights, which is encouraging active citizenship through learning and group forming. Learner's response to the question on their duty at any violation of rights were drawn to address any issues collectively first, and then, if necessary, by making contact with BRAC legal aid for further intervention by the state.

## **'BAREFOOT LAWYERS' (AIN SHEBIKAS) AND THEIR DISTINCTIVE APPROACH TO USE THE LESSONS FROM HRLE COURSE**

The role of 'community-based paralegals' are considered to be significant to penetrate legal awareness and justice at the very bottom of the community for creating strong base of legal empowerment projects (South Asian Conference on the Legal Empowerment of the Poor 2011, The Asia Foundation 2010). Because of having close affiliation with community or being a member of community, paralegals are more accessible to the women than lawyers, and possess both legal and non-legal tools to solve problems with in a shorter time in a cultural sensitive way (The Open Society

Justice Initiative 2010). At present, HRLS has 1,500 active community-based women paralegals or *ain shabikas*/ barefoot lawyers for the training of the learners and 'play a role of "prevent, protest and protect" against human rights violations in their community' (Alim and Rafi 2011). In recent years, studies were undertaken to analyze the challenging aspect of their roles for implementing the lessons of HRLE in the real life of the community (Alim and Rafi 2011, Shajahan and Tariquzzaman 2011). The findings of the struggle of the barefoot lawyers to survive human rights against the aged old hierarchical oppressive power structure of the community provided HRLS programme new thoughts for revisiting their interventions with more pragmatic approach. Though little focus was paid to the strengths of the barefoot lawyers in details in these studies, their strength can be capitalized to sketch an effective HRLE course for the learners. On this account, this study kept more concentrated on the positive aspects of the service of the barefoot lawyers for aspiring HRLS programme to move confidently with their new curriculum.

The distinctive approaches of the *ain shebikas* revealed as:

**I. Internalizing the message behind 'prevent, protect and protest' in their own way:**

It was interesting to note that though 'prevent protest and protect' were promoted as one of the important duties of *ain shebikas*, their encounter with this jargon seemed less acquainted. But when they discussed about dealing with different cases in the community, their internalization of the message of 'prevent and protest' came out as well grounded. For example, the *ain shebikas* gave couple of examples of how they took steps before the actual incident of injustice was about to be taken place, raised strong verbal protest at the attempt of the community member to breach any law and accompanied victim to get access to legal system. According to the study on *ain shebikas*, *ain shebikas* apply the concept of prevent and protest in overlapping ways, with less focus on the protection of the victims (Alim and Rafi 2011). The same feature was noticed during the interviews with the *shebikas* on the current contents of the module.

**II. The application of the lessons from HRLE course backed by economic empowerment, and sometimes, support from the male members of the family**

As a service holder, *ain shebikas* earned some sort of money from the job. *Ain shebikas* appeared to be apt in combining the learning outcome and economic support to implement the rights of HRLE course in their own life.

*Ain shebikas* came across different rights in their training from BRAC, HRLS. They could relate this learning with their own life's choice. Some mentioned how overwhelmed they became when they could know they had rights on their father's property for the first time in life, and gradually began to bargain with the male members of the family. Was it only the legal knowledge that empowers the barefoot lawyers to speak up breaking the decades old silence? Paradoxically, it was not about only the power of legal knowledge. When *ain shebikas* explained how they implemented property rights in their own life and bargained with their brothers and husband for rights, they added the fact that how their saved salary gave a confidence to raise voice in the family and took actions for rights. Their experience confirmed the findings of the studies on the positive impact of having income in gaining increased control over decisions of life, even in improving relations with husband (Jalbert 1999, Ashe 2001, Kabeer 1998).

Apart from income, support of the male members of the family played a crucial role in *ain shebika*'s life to uphold the lessons of HRLE course. This becomes obvious from the following quote:

When I first started my job in BRAC, there was a huge resistance against me in the community. Even, '*shalish*' was called to humiliate me and my father. I attended the *shalish* and told that, 'if my husband has no problem in accepting my job, why do you bother?' It was the most convincing argument to them. My husband supported me greatly in the struggle against the resistance of the community. He made the local elites understood the importance of my service. But initially my husband was reluctant to accept my outgoing activity for the job. When I saved nine thousand taka from the job, he realized my competency and began to show respect. (A *shebika*, Taraganj, Rangour)

The stories of the *ain shebiakas* proved that the support of the male members of their family is paramount in sustaining and developing their service.

### **III. Having political positions in different organizations through gaining support from community, and using the position in favour of women's rights in different mediations**

Among the interviewees, two *ain shebikas* were found to be active in local politics and different social political institutions. Both of the *ain shebikas* - elected woman representatives from Union *Parisad* acknowledged BRAC's HRLS's role to build their career in politics. According to them, they got acquainted with women's rights through HRLE course and developed a right based approach to their life's decisions from home to state's affairs. Their growing relations with HRLE learners on right-based issues, participation in different local mediations with legal input and a income from the job made them respectable at both home and community level.

Study shows that when women give right-based advice to community putting knowledge into practice, and the advice gets accepted in the community, it builds up relations between the community and the women. At the same time, women yarn self-confidence and self-esteem, and community benefits from her knowledge (Cheston and Kuhn 2002). *Ain shebikas*, who became a respected member of the community, were found to be active in promoting women's best interests in different local mediations, and providing advice to the community. Often, they argued in favour of aggrieved women, and bargained on their behalves. Not necessarily, *ain shebikas* give advice only to women; their advice extends to local religious leaders and political elites. This respect and social networking equip them to take the challenge to participate in the local politics. One *ain shebika* mentioned with gratitude that how HRLE learners motivated her to think about politics and funded her campaign. However, both of them accepted the fact that the support of the male members of their family was a strong factor for having support from local elites.

### **IV. Applying women's local wisdom to address the challenging aspect of the contents of the module, like property rights**

Local wisdom refers to indigenous knowledge which may be different from dominant scientific exploration in some aspects, and comes up with prudent suggestions for sustaining relations, desires, cultures, rituals and interests of the family of the community (Feldman and Welsh 1995). Though, local wisdom often carries the risk to serve the interest of patriarchy and power, sometimes this knowledge harmonizes social relations and conflicts in a peaceful way.

The spark of the local wisdom was visible in *ain shebika's* training when they taught the learners how to claim rights in the property from husband. At first, *ain shebika* made the learners apprehended what would be happened if they would approach their husband with anger, or respond with anger in case of husband's denial of their rights. Then the *ain shebika* revealed the ways of approaching with care, patience and respect for property rights to husband. *Ain shebika's* approach to quell further domestic disputes on the emerging claims of property rights signifies the necessity of local wisdom in any legal education training.

#### **V. Solving domestic disputes before they turn into serious ones, specially domestic disputes related with *talaq* (divorce), *mohrana* (dower) etc.**

One of the appealing qualities of paralegals are considered to be the ability to solve a case before they turn into serious ones proceeding for the court or traditional dispute resolution (The Open Society Justice Initiative 2010). The court cases bring not only lengthiness and downpour of money, but also frustration and lots of miseries for travelling and dealing with lawyers. *Shebikas* gave couple of examples of how they mediated local domestic disputes, and used the laws regarding *talaq*, *mohrana* in favour of women. Sometimes, local people do not want to bring their family issues for formal meditation; in that case *ain shebikas* come forward with their paralegal skills to resolve the conflict. For example, a *ain shebika* was negotiating a case - reunion between husband and wife. She had to balance between a woman's rights and her safety in husband's home, at the same time woman's urge to return to husband. Then, she proposed that if husband would like to take her back, he need to give a registered gift of some amount of land in favour of his wife and son. Thus, she made a security for the woman in husband's house and prevented the case to proceed as complicated case to the court. However, the effect of this sort of initiative in the long run to promote a continuous expanding notion of women empowerment is subject to further enquiry.

#### **VI. A friendly approach to contemplate women learner's problem going beyond addressing legal issues**

*Ain shebika's* illustrations of different stories bear the proof of their intimate relations with the learners and the community. Unlike lawyers, they are not in a hurry to carry the cases within time, and occupied in dealing with piled up cases. As a result, they can give ample time to listen to a woman's story for mediation and create a long lasting trust worthy relation with the client.

#### **VII. Use of humour and local dialect to get across complex points**

*Ain shebikas* had to struggle to make the learners understand the rigours of law, which sometimes appear quite strange to the learners. The black letters of law sometimes appear so alien to learners with limited knowledge on language, critical analysis and outside world that they cannot relate it with their personal and social reality. To make the lesson enjoyable to the learners, *ain shebikas* found to be using different stories, humour, vernacular and songs. The examination of some of the songs appeared delivering a deep message, which even sometimes difficult to be provided with the strict codes of legal rights. One of the songs gives the account of this endeavour:

*'O woman, where is your home?  
At first you cooked food in father's house,  
Then you cook food for your husband.  
But where is your home?'....*

(One of the songs that *ain shebikas* are using in the training)

These songs and use of local dialect constitute a creative way to create critical consciousness. It creates a good foundation for internalizing not only legal information, but also addressing deep down social power structure and diasporas.

## **AWAITING OVERLAPPING RISKS AND LIMITATIONS**

“To be changed by ideas was pure pleasure. But to learn ideas that ran counter to values and beliefs learned at home was to place oneself at risk, to enter the danger zone. Home was the place where I was forced to conform to someone else’s image of who and what I should be. School was the place where I could forget that self and, through ideas, reinvent myself” (Hooks 1994). Projecting any legal education materials challenging the aged old practices in the context of poverty-stricken and patriarchal community definitely runs the risks and limitations to be encountered. The awaiting risks and limitations for the field-testing HRLE course came before as follows:

### **I. Lack of critical awareness in gender perspective of the identity**

There is a difference between pouring information into the minds of the learners, and inspiring learners to question the reality through an introduction with new knowledge (Florence 1998). The latter is called to be critical consciousnesses – an integral part of legal empowerment.

Learners were found to be grasping the concept of gender only from limited approach, and without questioning some aged old discriminatory practice. For example, they understood ‘gender’ only in terms of equality between their sons and daughters, or they could only identify their rights to property only as a wife or sister.

In terms of gender, woman’s role is multidimensional in the sense that in one standing, she might claim her rights from the brother, and in another standing, she might be hostile to her in-laws for claiming rights in husband’s property. These tricky points were absent in the contents and in the understanding of the learners.

### **II. Deeply rooted gender perspective in the society**

“Many feminists recognize that poor men are almost as powerless as poor women in access to material resources in the public domain, but remain privileged within the patriarchal structure of the family” (Kabeer 1999). The gender stereotyped practice is very deep-rooted in rural Bangladesh, with a strong base of patriarchy. Even if women learners were trained on their rights, their male family heads and in-laws were not. They kept their hierarchical positions intact in a usual way. As a result, the resistance of male family heads and in-laws to the rights of the women remained the same, and sometimes culminated to rude behaviour.

### **III. Religious and cultural barrier to implement rights**

‘There is education in the family for woman: first a woman should not speak because she is a girl, then later she should not speak because no one will marry her, and then later she shouldn’t speak because she is a new bride. Finally, a woman might have the chance to speak but she does not speak because she has forgotten how to speak’ (Cheston and Kuhn 2002). It is true that women learners are coming forward to learn their rights. But after the session, they are going back to their family and community - which embody a culture to silence women’s voice. This culture has been built up years by years and inherited by generations after generations. Hints of this embodied culture



of silence was apparent from the voices of some learners, especially in respect to property rights – when they expressed that how the concept of good wife, or daughter or sister meant obedient and submissive characters. The culture of the subordination of women was further justified by religious clauses, and inflicted on the women since childhood.

Besides gender issues, learners also possessed prejudice towards other community. Some learners commented that they should not learn other religious community's law because of their less number in that particular area. It will be crucial to see to what extent learners can implement the rights overcoming this barrier.

#### **IV. The question of woman's legal identity and freedom of choice**

The module began with a learner's relations with community and family. During the field visits, learner's voice echoed the identity of a wife or daughter or mother. But beyond all these identities in relation to a male, a woman is a human being and a citizen. This sense of a self-worth identity was missing in the module, which inevitably vanished women's freedom of choice as a human being. The paradoxes and confusions which women learners faced regarding whether to ask property rights from brothers and husband or not in fear of losing good relations, or a women's subjugation to family and culture, are interlinked with a woman self-worth identity.

#### **V. Lack of economic empowerment and landlessness**

The issue before which women learners appeared helpless was lack of economic empowerment. Women learners mentioned that how they were shamed and humiliated for not bringing a penny to the family, and they cannot think to speak up for rights on their inferior status. They believed that if they would have some money, community and family would respect them and listened to their voice for rights. Besides economic empowerment, a major number of learners were found landless, and learning the laws on property with a question towards its relevancy in their lives.

#### **VI. Women's insecurity in husband's home versus women's rights in father's property**

*'If I claim property from my brother who will take care of me in case my husband would abandon me!'- A learner*

Though property rights are important to achieve the goal of empowerment, the implementation process should not be viewed as de-humanized and abstract. Women learners were aware of possible consequences of claiming property rights, especially from brothers – break-up of relationship with their brothers by asking share in father's property. For them, the outcome of marriage is uncertain due to the possibility of husband's whimsical wish, polygamy, dowry, etc. Again, they know they are unable to carry the expenses of themselves with children, and utterly helpless without brother's support. Such insecurity possessed a serious barrier for women to claim property rights from inherited property.

#### **VII. Women's 'stereotyped daily routine' as a barrier to find time for HRLE**

A close observation to learning session insisted to think over women learner's effective participation in the teaching. As a wife, she needs to finish preparing food before husband gets back from the work, as a mother she needs to take care of the infants, and as a daughter-in-law she is supposed to please her mother-in-law by performing

all the activities of households. As a result of her gender-stereotyped routine, she has to struggle to find two hours for a constant ten days course, which, sometimes, can create causes of conflict.

### **VIII. What should be the appropriate incentive for completing and attending the course?**

Though HRLS *shebikas* did their best to motivate potential learners to learn law for having increased control over lives, many village women failed to recognize the necessity to learn law from ethical points. They often wondered that why should they learn law if they would not have any money to earn at the cost of not doing necessary household works at that time.

The same problem appeared when women, who showed good performance in the session, were asked to join the law implementation committee, and they refused the participation because of having children, or having an income generating training on the very day of field visit.

*'I have to go to a training programme for income generating activities. I cannot give time for the field visit of law implementation committee'* – Refusal of a learner to be in the committee

### **IX. Incomplete knowledge on state's obligations and related laws**

Learners were found more spontaneous to the laws on rights against husband than the rights against state. They were not confident to find their rights as a citizen against the state on fundamental rights and basic needs. They were not also sure about the necessity of these laws in their lives. Also unlike other contents in which learners found more interest, e.g. marriage, the relevant content on fundamental rights in HRLE curriculum does not have any hypothetical case study to make the lessons more imbedded in learners minds.

### **X. Absence of some important contents**

The contents like *fatwa*, and eve teasing were missing from the module. Many learners complained their failure to stop child marriage because parents remained helpless at the consequence of eve teasing from young people in their villages. Sometimes, they do not have money to support a girl with private tutor, and if a girl does not perform well in the school, parents think to get rid of her through marriage. These missing additional issues can act as barrier to address the implications of a particular legal problem.

### **XI. Lack of coherent sequence in the contents**

*Shebikas* pointed lack of coherency in the sequence of the contents. Learners first learnt about property rights in different religious laws<sup>8</sup>. After learning other laws, they went back to women's property rights again in general. As a result, they became confused regarding inheritance in different laws and again women's property rights. Learners were also found to be losing track to learn different religious laws regarding marriage, and after learning other contents, again had to learn different religious inheritance laws on property for women.

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<sup>8</sup> The property laws and family laws of Bangladesh are not uniform, and based on different religious texts.

## **XII. Not touching the issues of dower and maintenance in detail**

Study shows that how a huge number of court cases handled by HRLS programme are about dower and maintenance<sup>9</sup> (Evans and others 2011). Lack of knowledge in dower and maintenance at the time of registration of marriage is the key to denial of women's interests. A mere knowledge on how to distribute different demands on dower, how to emphasize more on the dower that is payable on demand, can prevent groom's side to manipulate this issue in their own way, like allocating more money in the dower which is payable only on the death of husband or divorce<sup>10</sup>.

## **XIII. The fear of LIC members about access to the institutions**

Members of LIC had the fear that they might not be treated with same respect in the local *Thana* and land offices as they were treated in the presence of local staff of HRLS programme. They were also seemed little bit hesitant to deal with local *Thana* on a pre-conceived idea about the reluctance of police to give rights to poor.

## **A note on the overlapping risks and limitations**

The explained risks and limitations are in nuance with each other and constantly interact to create multidimensional barriers for HRLS programme. For example, women's refusal to ask for property from brothers was not only about her shyness due to cultural practice, but also about her social and economic insecurity at husband's house and the apprehension of exclusion from the community for being radical. Again, the expectation for a monetary incentive is not only about lack of income, but embodying the culture of valuing everything in terms of money. This scenario is more complex, and need more explorations before any specific interventions. The interacting risks and limitations, as a weaving thread, urge HRLS programme to think over their possible inventions from deep and holistic approach.

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<sup>9</sup> Dower refers to the amount of money payable from a groom's side to a bride in a Muslim marriage. Maintenance denotes the amount of money a husband has to pay a wife as a cost of food, accommodation and other needs. It also includes maintenance to children.

<sup>10</sup> Dower is divided into two portions – one that is payable from husband on demand by the wife, and another that is payable only during the time of divorce or husband's death. Groom's side is more interested to allocate money in the portion which is payable at the time of death of husband or divorce - so that husband need not pay the money on demand. Also, groom's side, during the time of registering the contract of marriage, often show that they have already paid a major portion of dower through jewelry and cloths. If it is registered in this way, women cannot demand that portion of dower until divorce occurs or the death of husband occurs.

## RECOMMENDATIONS

'A successful development intervention should aim at leaving sustainable imprints in the lives of the target groups with a substantial outcome. For that purpose, it needs to know the aspirations of the target groups for formulating recommendation' (Wallace and March 1991). Considering this issue, the recommendations for this paper have included the voice of the target groups – *ain shebikas* and learners as well as the essential concerns having the root in research findings. Some of the recommendations regarding specific issues of the content have already been touched in Table 1. In the context of research findings on the obstacles the learners face for implementing the rights due to both knowledge limitations in legal rights and the hindrances from the surroundings and relationships, the recommendations are divided into the following categories:

- I. Recommendations on adding new issues in the existing contents – for enriching learner's incomplete knowledge
- II. Recommendations for more elaboration of the existing contents – for clarifying the understanding of the learners on some specific contents
- III. Recommendations for the modifications of the structural matters of the module – for making the learning more interesting and relevant through pictures and proper sequence
- IV. Recommendations on the field visits of LIC– for enhancing learner's practical experience
- V. Recommendation for improving the delivery method – for making the learning more enjoyable and inspiring
- VI. Recommendations for facilitating the favourable conditions for the learners in their endeavour to implement the knowledge
- VII. Recommendations on the operational issues of HRLS programme - for an effective intervention and service from the HRLS staff to the learners
- VIII. Recommendations for changing the approach – for adopting duty-based approach to another woman along with right-based approach for oneself

### **I. Recommendations on adding new issues in the existing contents – for enriching learner's incomplete knowledge**

Findings show that sometimes learners face a new dimension in the experiences related with a violation, and try to understand its linkage with the laws they learnt. The content on child marriage is a good example of the relations among different laws. Learners shared incidents where child marriage took place due to poverty and eve teasing. In this respect, knowledge on these relevant themes can be supportive to prevent child marriage. Specially, knowledge on eve teasing can be a tool to deal with the misery an adolescent girl goes through for eve teasing and the compulsion for marriage from family in consequence of the eve teasing.

Same limitation occurred when learners talked about violence against women with reference to sexual harassment, and without proper knowledge on it. HRLE module can add an explanation on sexual harassment, the recent apex court's judgment

regarding the issue and hypothetical cases. The inclusion of sexual harassment can also be linked with eve teasing.

Other issues to be incorporated to address learner's practical experience comprehensively and critically are *fatwa*, inhuman punishment, gender, and the obligations of the state. Field organizers mentioned about '*fatwa*' as one of the cases for violence against women. They also showed keen interest to know more about the recent judgment of the apex court of Bangladesh on the explanation about '*fatwa*' through HRLE module, so that *ain shebikas* can make people aware and take actions against the cases. '*Fatwa*' is also closely related with infliction of corporal inhuman punishment. But inhuman punishment was also found to be in less acquainted area of the learners, and required to be touched properly.

Regarding the gender issue, the interesting finding was learner's limitations to understand the dimension of gender more critically. In response to learner's limited application of gender only in terms of equality between daughter and son, the contents can add some hypothetical cases on how woman is a part of the gender roles through different identities. For example, how she can help her sister-in-law in achieving rights, or how she can play a friendly role of mother-in-law and advice her son not to do violence against his wife.

## **II. Recommendations for more elaborations and hypothetical cases of the existing contents – for clarifying the understanding of the learners on some specific contents**

Some field organizers mentioned about frequent occurrence of Christian marriage in some parts of Bangladesh, and brief explanation about Christian marriage in the module. Confirming the views, it was found that the new HRLE module's content on Christian marriage is too short to deal with legal complications that may arise from Christian marriage. The areas, where Christian population is large in number may need a broader explanation.

Besides Christian marriage, contents regarding duty of the citizens towards the state need more elaborations. It was noted that learners were more apt in understanding the implications of a particular law in real life which they learnt through hypothetical case. The contents regarding duty towards the state, and mutation and tax need hypothetical case to make them more accessible to the learners. Through these chapters, learners can be more confident about their role as citizens in claiming rights. For this purpose, more practical examples should be given from real life to denote state's obligation in the small incidents. One field organizer mentioned that how he pointed state's role in allocating land (*khas land*) to the landless people and made learners interested about state's roles.

Above all, the last chapter of the new module should have a hypothetical case to channel the co- relations among all the laws in real life. This can be an alternative to the way learners just refresh their memory in the last days just reminding the black letters of law of all the contents.

## **III. Recommendations for modifications of the structural matters of the module – for making the learning more interesting and relevant through pictures and proper sequence**

This portion of the recommendations is mostly based on the suggestions of the *ain shebikas* and field organizers from their experiences with the difficulties learners were

facing to learn the laws from the new module. This part is also going to deal with pictures used in the module and the maintaining a proper sequence for making the learning process more coherent.

It was found that learners enjoyed learning with real pictures and later, were able to remember those parts more spontaneously. Considering learner's joy in learning, the new module can consider adding more pictures that are figurative and colorful. *Ain shebikas* also brought special attention to add pictures on 'Quaranic heirs' in the content on property rights. Pictures can make this apparently complicated content easier. The requirement for the pictures was also visible for the content on criminal laws, especially to lessen the alien nature of criminal laws to the learners. The pictures will be further supported by some learners' field visit experience to *Thana*.

Besides pictures, the sequence of the contents can be revisited for more coherent understanding. One *ain shebika* mentioned how after understanding the contents on property rights, learners learnt other contents, and then again, had to come back to women's property rights. This sequence made them more confused.

#### **IV. Recommendations for changing the approach – for adopting duty based approach to another woman along with right based approach to one self**

Learners were found to be prejudiced to intervene beyond their own community, even their own family to promote and protect rights. To minimize the risk of creating self-centered right concerned citizens, HRLE can introduce the course with chapter on duty-based approach to human rights in relation to the state, community and anyone who needs knowledge and interventions in the violation of human rights. The chapter may focus on the interdependency with each other for creating a peaceful community, a sound mental construct and the significance of the communication and actions to promote human rights in a group or as an individual for anyone who lacks rights.

#### **V. Recommendation for improving the delivery method – for making the learning more enjoyable and inspiring**

Though the existing delivery method of the *ain shebikas* is working well for the learners to get access to laws through local dialect and communication, there remains a room for development. This development is particularly required in the beginning and the end session. However, the instruction from the HRLS programme needs to play key role to facilitate this development.

Learners were facing mental obstruction in understanding the critical dimension of gender, human rights and duty towards the state. As a response to this problem, a beginning session with women's rights as human being, her duty towards the state and community, and her different rights against the family member and the state can bring fresh outlook to see reality. At the end, wrapping up the session with more interactive and reflective session along with hypothetical case can be a memorable ending with moral commitment to implement the laws.

However, *ain shebika's* delivery method can be of making more sense to the learners, if they can share other *ain shebika's* and learner's success stories keeping focus on the possibility of implementing the rights even in hostile situation. Specially, the *ain shebikas*, who began political career through HRLE, could be inspiring model for the learners to think beyond only learning the laws. With in the delivery approach, sharing the lessons of other countries can also motivate learners on possible outcomes. There are some success stories in developing countries where learners

formed a group and worked for their rights (The Open Society Initiative 2010). Those stories can be examples to create hope and aspiration.

#### **VI. Recommendations on the operational issues of HRLS programme - for an effective intervention and service from the HRLS staff to the learners**

A recent study has shown the necessity of addressing some needs of the *ain shebikas*. This includes providing the conveyance and umbrellas to *ain shebikas* as incentives for their work (Alim and Rafi 2011). In the long run, this operational approach can be effective to encourage *ain shebiaks* for better delivery of service. Apart from equipping *ain shebikas*, programme's operation should be more active in giving specific guidelines to *ain shebikas* on their duty on the basis of HRLE module. Findings show the incomplete approach of the *ain shebikas* to deal with the cases on human rights in terms of 'prevent, protect and protest' in a case of violation of human rights. In that case, HRLS programme can have a proper written document on *ain shebika's* duty on 'prevent, protest and protect' of human rights - so that *ain shebikas* remain aware of the duties precisely, disseminate information about their potential role to the learners and convince the learners to knock them for further support.

#### **VII. Recommendations for facilitating favourable conditions for the learners to implement the knowledge**

Recommendations for this part have been put forward to facilitate some favourable cause and conditions for the learners to implement the rights in the long run. These recommendations are the implications of the findings on the obstacles for implementing the rights from learner's side, and the approach of the paper to support a long-term right-based intervention in the context of social – economic reality.

In response to some observations on learner's struggle to find out time for HRLE from a hectic daily routine, an assessment of the convenient time for the learners before HRLE course can be a step. It will give a sense of respect to the learners from BRAC and ensure effective participation. Another issues as motivation for well participation can be some sort of incentive for the learners (e.g. certificate). One learner mentioned that she prevented arrest of her husband asking about summons to police. Police could not show it. Being shocked at the knowledge of a poor rural woman, police could not but ask that from where she learnt the information. Some learners mentioned that they were coming to the session for learning. A certificate may be an acknowledgement to learner's effort, and a proof of her learning to tackle some situation, at the same time honouring her learning before the family and community.

The findings regarding the obstacles of the learners revealed a deep impact of patriarchy and absence of power of agency among the learners. Among them, the reluctance of the male members to co-operate with the learners to implement rights and ascribing less importance to learner's voice for rights on the basis of their poor economic contribution to the family are paramount.

Regarding the potential benefits of bringing men in HRLE class, one *ain shebika's* comment appeared quite insightful, '*I teach not to do violence against women. But who does the violence? It is mostly the men*'.

However, as findings support, learner's obstacles do not end in encountering the reluctance from male family members due to their ignorance about rights. It also refers to vain result of raising voice when woman does not yarn money. Considering the possibility of economic empowerment of the learners, HRLS can think about how to

explore the options of BRAC's other programme on income generating activities for the learners. It will make HRLE more captive and learners will feel more confident to implement the laws.

### **VIII. Recommendations on the field visits of LIC – for enhancing learner's practical experience**

Learners were found to be very close with the *ain shebika*, and her presence can make learners feel more comfortable and confident. Unfortunately, field visits after the class did not include *ain shebikas*. It was found that learners had to travel with field organizers, which might make discomfort among the learners because of gender and lack of intimacy. Providing an official card to the *ain shebikas* and members of law implementation committee can be another method to make the aftermath works of the field visit more fruitful. Local institutions can register their name, so that even if the person-in charge would not be there or forget their faces, they could use their questioning power.

It is true that field visits have given the learners access to local institution, and scope for interaction with local police, staff from land office and *kaji* office. However, if learners can know about right to information, they would feel more determined to ask any information from the local office.

To make the field visit more convenient for the learners, field visit should have more funds for paying conveyance and meal charges; as the existing funding constrained to cover the long distanced conveyance and a proper meal for lunch during the long time.



## CONCLUSION

The objective of the study include understanding the implications of the field-testing module, issues to be explored further in relation to pedagogy, *ain shebikas*, LIC, etc. and coming up with recommendations to support the programme both in short-term and long-term mission. The distinguishing feature of the field-testing module lies in incorporating property rights of women which will be a supportive tool to strengthen women's rights in relation to land and inheritance. As one of the new additions under the field-testing module, LIC members can have field visit to local institutions to have practical experience. *Ain shebika's* skills, like using song, local dialect, and friendly approach to learners can facilitate the knowledge of the present module to be imparted, and a positive factor for the module to be successful. Apart from contents and *ain shebiaka's* supportive delivery method, both learners and *ain shebikas* were found to be more comfortable with the shorter time period for the field-testing module. In a short, compared to the previous module, the present one is found to be more focused, inclusive and specific to the issues of women empowerment in both private and public sphere.

Despite of having praise-worthy aspects, the module is not beyond limitations. The module also possesses the risk of not being implemented in reality due to some reasons. Data spell out couple of issues – both positive and indicative of the limitations of HRLE. The positive sides include *ain shebika's* easy accessibility in rural community, bridging the gap between learners and law through the use of local vernacular, the inclusion of property rights and gender in the new curriculum, adding field visit after the class etc. In parallel, the concerning issues include not adding subjects like '*fatwa*', eve-teasing, critical analysis of gender, and absence of duty based approach in HRLE module. The limitations also became grave in respect of deeply rooted cultural and religious practice against women's claim for rights, lack of economic empowerment leading to disenfranchisement, and self-centred attitude etc.

Considering the limitations and risks, a broad range of recommendations have been demonstrated to support HRLE programme in remaining intact to their objective of legal empowerment. The recommendations include ideological issues like introducing duty-based approach to rights, women's independent identity as citizens, including male members in the class etc, at the same time technical matters like using real life experience in the lessons on state's obligations, adding more clear pictures etc.

Though we have not attempted to assess the module under the light of Paul Freire's theory, his way of changing the status quo through questioning the reality should be considered as an inspiration for any institution working in the relevant field. However, this inspiration should be projected in the context of a development organization's limited periphery. For the purpose of sustainability at the grass roots level, a development organization like BRAC has to experience the limitations of the cultural sensitive interventions. The exact replication of Paul Freire's model may possess a serious risk of waving a radical method for shaking the institutional cultural practice in a short time. The consequence of this revolution may result in hampering the survival of the development organization in a religious cultural dominant society. However, this context sets up the necessary field for a delicate, modified and flexible approach of Paul Freire's vision; particularly for development organization. Until that

customization, it should be better to take the appropriate essence from Freire's way of raising critical consciousness. BRAC'S HRLS programme's present module, thought not embody Freire's principle to the fullest extent, holds the aspect of raising critical consciousness among rural women in Bangladesh through legal empowerment. The recommendations imply a long way for HRLS programme to promote legal empowerment at the grass root level of Bangladesh. In this process, their approach is more prone to the model set up by 'legal empowerment of the poor' by the UN and other development organizations – breaking the oppressive power structure through existing legal means and institution as a way out of poverty (CLEP and UNDP 2008, The Asian Foundation 2010). However, it should be considered that Bangladesh has some laws, especially regarding women, which themselves can be considered to be discriminatory; e.g. family laws which do not have codified laws for non-Muslim women, women's inferior status in the laws relating to witnesses, and inheritance laws having the provision to give less share to women in property (Pereira 2002). On the other hand, the Constitution of Bangladesh as a supreme law of Bangladesh voices for equality of all citizens irrespective of class, sex, religion (Pereira 2002). Bangladesh is also internationally obliged to promote equality of all citizens regardless of age, sex, religion (Pereira 2002). Though Freire's way of raising critical awareness among the learners is risky and radical as a sustainable development project in rural Bangladesh, silent to these discriminatory laws sustains woman's inferior status in the society. In this critical context, HRLS programme should start thinking over addressing the entrenched discrimination in a strategic way, and keep opening HRLE module to change and modifications.

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## APPENDIX

### Field-testing human rights and legal education module:

Title of the contents (in sequence):

1. Family and society
2. Gender discrimination in society
3. Violence
4. Fundamental need and fundamental rights
5. Marriage
6. Dowry, divorce, separation, guardianship, custody and rights in marital property
7. Visit to *kaji* office
8. Criminal law
9. Women's rights in property (Muslim, Hindu and Christian)
10. Women's control and ownership over property and resources
11. Mutation, tax and *khas* land
12. Visit to *thana* and union land office visit

## **Previous human rights and legal education module:**

### **I. Muslim Family Law**

- Lesson 1: Law, Muslim marriage and the legal conditions for a marriage
- Lesson 2: Death and birth registration, and dowry
- Lesson 3: Legal rules for a divorce by husband, reunion between husband and wife and remarriage
- Lesson 4: Separation by wife
- Lesson 5: Polygamy
- Lesson 6: Guardianship and custody

### **II. Hindu Family Law**

- Lesson 7: Hindu marriage, legal conditions for a marriage, and separation between husband and wife
- Lesson 8: Widow marriage, guardianship, maintenance and 'minor children'

### **III. Constitutional Law**

- Lesson 9: Constitution, fundamental need, fundamental right, human rights, inhuman treatment and safety in road

### **IV. Criminal Law**

- Lesson 10: The policy of criminal law, responsibility and duty of police, and the duty of an arrested person
- Lesson 11: Acid throwing, rape, women and children trafficking

### **V. Muslim Inheritance Law**

- Lesson 12: Distribution of property among main inheritants
- Lesson 13: Distribution of property among main inheritants and residue.
- Lesson 14: Rights of the orphan grand daughter and son
- Lesson 15: Rights of an unborn child, distribution of property of dead person who has no children, and 'sources of the property are not important in distribution of the property'

### **VI. Hindu Inheritance Law**

- Lesson 16: Hindu inheritance, shapinda and the distribution of property among shapindas
- Lesson 17: Stridhan, women's property and widow's property
- Lesson 18: Distribution of property among Hindu shareholders

### **VII. Land Law**

- Lesson 19: Land, ways to prove ownership in land, change in ownership
- Lesson 20: *Khas* land, *barga* and pledge