



Increasing Access to Justice for the
Marginalized and Socially Excluded

Equality & Community Justice Fellowship



Community Legal Services
কমিউনিটি লিগ্যাল সার্ভিসেস

Implemented by BLAST and RIB with the collaboration of Maxwell Stamp (PLC)-funded by UK Government, the British Council and the Center for Effective Dispute Resolution (CEDR)

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Increasing Access to Justice for the Marginalized and Socially Excluded Equality & Community Justice Fellowship



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Sara Hossain

Honorary Executive Director

BLAST

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Executive Director

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TABLE OF CONTENTS

Organisations' Information	1
Fellowship Programme	3
Equality Fellowships for the Development of Young Leaders in Marginalised Communities	4
Equality Fellows	9
MD. AL AMIN	10
MENCHING MARMA	12
MD. FIROJ UDDIN	14
PROBHAT TUDU	16
Community Justice Fellows	18
BAYEZID HOSSAIN	20
RUPA DATTA	22
MD. RAZU MASUM	24
STHITI SANGMA	26



About CLS

The “Access to Justice for the Marginalized and Excluded through Community Legal Services” (CLS) project supported by the UK Government and implemented by Maxwell Stamp PLC aims to ensure legal empowerment of marginalized communities through providing greater access to justice. It also aims to improve the quality and coverage of community legal services in Bangladeshi and engages in consultations with justice sector actors, particularly with legal professionals and researchers to explore challenges and strategies to ensure access to justice for marginalized groups.

BLAST and RIB as consortium partners are implementing this project across five districts and nationally.

More information can be found at: www.communitylegalservice.org

About BLAST

BLAST, the largest non-governmental legal services organization in the country, provides legal advice, mediation and litigation to women, men and children from poor and marginalized communities. It operates in 19 districts through district offices, university legal clinics, and slum-based community clinics, working from the frontlines of the justice system to the highest court. It also undertakes research and advocacy, including public interest litigation for law, policy and institutional reforms to ensure effective legal protection of rights.

More information can be found at: www.blast.org.bd

About RIB

RIB is a not-for-profit organisation established in 2002. Its main objective is to support research aimed at identifying strategies and programs to ensure sustainable, progressive alleviation of poverty in Bangladesh. Being an institution interested in creating a knowledge-based society, RIB encourages an approach where local knowledge is as valued as expert knowledge. RIB's approach has been to involve participatory processes from the very design and conception of the research proposal, through the implementation phase to its final presentation, validation and follow up by the researchers and/or community being researched. This Participatory Action Research (or gonogobeshona in Bangla), promoting processes of collective self-enquiry, self-determination and capacity building, is a useful method in reaching out to many marginalized communities.

More information can be found at: www.rib-bangladesh.org

About the Fellowship Programme

BLAST in partnership with RIB, with the support of Community Legal Services (CLS), is implementing a fellowship programme for members of marginalized and socially excluded communities, and others, to work on equality and non-discrimination issues, specifically relating to the concerns of particular marginalized and socially excluded communities.

Equality Fellows, who are members of marginalized communities with law backgrounds, not only conduct research on issues of equality to advocate for the rights of their communities, but also are placed in private chambers or legal aid organizations for 1-2 months, where appropriate, to increase their access to the legal profession.

Community Justice Fellows work directly with marginalized communities and those in hard to reach areas to conduct participatory action research through field studies.

The first phase of the 6-month fellowship programme was implemented from January to July 2015, and the second phase from August 2015 to February 2016.

More information can be found at: <http://blast.org.bd/getinvolved/jafellow>

Equality Fellowships for the Development of Young Leaders in Marginalised Communities

Rejaul Karim Siddiquee¹

“...It would be better if the organisers provided the papers in Braille print as well. All the important papers which have been handed to me have no value for me, because I will not be able to read them. You work for the disabled people and yet if you do not supply accessible documents for the disabled people, then what will others do?”

Al Amin, a young lawyer with visual impairments, made this statement at a research sharing session on the rights of disabled persons. He boldly highlighted the lack of sincerity of the organisers. As a young rights activist, he clearly voiced his opinion on the rights of persons with disabilities.

After getting a postgraduate degree in law from a public university, Al Amin was enrolled as an advocate with the Bangladesh Bar Council. He started practicing at the Gazipur District Court. Despite his keen knowledge and skills in legal matters, clients refused to rely on him due to his visual impairment. Not just the clients, it seems as though no one was willing to trust him professionally. Although he had passed the written entrance exams for both the government and private organisations, he had always fallen short at the viva (oral examination). As new laws are not published in a readable format for blind people, it has been very difficult for him to stay updated on the laws. The papers are neither published in braille nor in a readable audio version online. For Al Amin, these are not new problems, in fact they are more than familiar. He was never able to receive education in ordinary schools due to the lack of teachers trained in teaching blind students, and the lack of learning materials printed in Braille and other materials. Difficulty in receiving assistance from stenographers was also very common.

1 Senior Researcher, BLAST

Even though Al Amin overcame all obstacles and finished his education, the obstacles he faces within his work sphere seem almost impossible to overcome. Starting from government and private organizations to online web portals of every portal in the market, his access is restricted. The talking software he uses to work does not work properly in Bengali. If documents were provided in audio format on the websites, it would be very helpful for him. Most national and international websites do not have this facility. This gap made him think about the need to conduct research on how the lack of information is depriving people with various disabilities of rights and opportunities.

When Al Amin found out about the Equality Fellowship Programme, he found a perfect opportunity to fulfill his goals. This fellowship programme provided him with the funds and resources to conduct research on an issue that he deeply cared about, was accessibility rights for persons with disabilities. After six months of hard work, he finished his research. He discovered the barriers that disabled people face in finding information on national and international legal provisions and information related to their rights. In trying to find out why disabled people are denied their rights despite comparatively strong legal protection provisions, he found that many people with disabilities lack awareness regarding their rights. This is due to of the limited avenue for publicising information regarding rights and opportunities. The government does not print copies of any law in Braille and there are no visuals or pictograms or any . audio version of the laws. Disabled people, particularly disabled women, often do not get the opportunity to come out of their homes. As a result, they do not get the opportunity to hear or know about the laws. Advertisements, dramas or other documentaries broadcast over media are not clearly understandable by everyone. On one hand, Al Amin asserted that there is no excuse for not knowing provisions of the new law. On the other hand, he showed that there is no initiative to make the law known to people with visual, speech and hearing impairments.

Menuching Marma, a resident of Rangamati Hill District, has witnessed various forms of discrimination towards women in her community. She found three types of practices prevailing regarding inheritance rights for Marma women in three different circles within the Chittagong Hill Tracts. The customs and laws were discriminatory and patriarchal. Through her research Menuching set out to investigate this reality. After being awarded the Equality Fellowship, she worked enthusiastically for six months and discovered some crucial findings and developed a “good sister theory”. Her theory is that a sister learns in the Marma community to forego her right to the intended or received share of inheritance and gives it to the brother. This tradition of sacrificing their rights and being the “good sister” is such a common practice that a lot of people considered it obligatory. Menuching recommended that men try to create a practice of becoming a “good brother” by restoring and securing a sisters’ rights to their shares of property.

People from marginalized communities such as adibashis, persons with disabilities, Dalits, and others often have limited access to education. Lack of educational institutes in remote areas, poverty, the scarcity and expense of educational materials for disabled people, non-cooperation, harassment, inaccessibility and many others are major obstacles. Relatively few individuals have been able to overcome such obstacles and acquire higher education. The obstacles they face at their workplace are endless. Despite there being a quota to ensure inclusion of some groups, due to the negative attitude of the authorities concerned and for administrative reasons, many of the marginalized are not appointed to the jobs to which they are entitled to even when the quota has not been filled by anyone.

Every marginalised community has its own community-specific problems. It is crucial that rights activists and talented leaders are supported within each group to tackle these problems. In order to help these young leaders fully realise their capacities and encourage them to work towards ending discriminatory practices and establish a rights-based society, BLAST and RIB took on the initiative to develop their skills

and professionalism through the equality fellowship. This fellowship is reserved for law graduates from marginalized communities. Four of them have completed their research till now and enriched their profiles as young rights activists. Besides Al Amin and Menuching Marma, Probhat Tudu has researched the land rights of Santal people and Md. Firoj Uddin, who has physical impairments, has worked on lack of employment opportunities in the public service sector for persons with disabilities. The equality fellowship program will continue to be provided to two young lawyers from marginalized communities every six months.

In addition to the equality fellowships, community justice fellowships are offered to young professionals. Sociology, Journalism and Public Relations and Anthropology graduates can apply for the community justice fellowship program. Community Justice fellows go to remote areas of Bangladesh to conduct participatory action research on marginalised communities. After consulting and building friendly relationships with the community members, the fellows conduct interviews, FDGs and/or surveys to identify their problems, types of discriminations and violations they face. Based on the findings, fellows address specific justice related issues. One community justice fellow, Bayezid Hossain, a young journalist, conducted research on Cox's Bazar's Rakhain community and investigated the reason behind the seizure of their land and hereditary business. Rupa Dutta, another community justice fellow, spent three months with the Mru community in the deep forests of Bandarban and identified some of the problems related to protection of their land rights. Sthiti Sangma and Md Razu Ahmed worked on the rights of the china clay miners at the Susong Durgapur Upozila of Netrokona district and the rights of tea-workers in Maulvi Bazaar District respectively.

The scope of knowledge on the obstacles that the marginalised communities face in gaining access to justice is increasing through the fellowship programme. With the acquired knowledge, lawyers and concerned bodies will be able to take necessary steps to address these obstacles. The people in the areas where the fellows are

working are becoming aware of their rights. In some cases, local communities are seeking advice from the fellows regarding problems that arise in the communities. The bond the fellows have created between themselves and marginalized community members will help increase access to justice for deprived and marginalized people.



Probhat Tudu taking notes of FDG conducted with Santal men in Mohanoil, Nachole Upazila of Chapainawabgonj. Photo Credit: Probhat Tudu



MD. AL AMIN

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Equality Fellow

Md. Al Amin, a lawyer, is visually impaired. He practices in the Gazipur District Court and Labour Court. After having lost his vision in his childhood, he has faced great obstacles in obtaining higher education and building up his career. Overcoming such obstacles, he obtained the membership of the Bangladesh Bar Council in 2010, but continues to face barriers in practicing as a lawyer due to inaccessibility of legal instruments. He decided to undertake research on legal accessibility for persons with disability through the equality fellowship program.

Prior to the fellowship program, Md. Al Amin had about four years practical experience of litigation in both civil and criminal cases. He also worked as a founder general secretary and policy analyst at Research and Education for the Differently Able (REDA), a local NGO in Chittagong, and a resource person for the Workshop on “Seeing in the Dark,” organized by SARPV, YPSA, CSD, Health Clean Worldwide, Action Aid Bangladesh in 2006.

Al Amin holds an L.L.B (Honors) and LLM degree from the University of Chittagong.

Present Practice of Dissemination of Legal Instruments in Bangladesh: A Study on Accessibility by Persons with Disabilities

Generally people learn about laws, rules, regulations and policies of the State and gain knowledge on their legal rights and duties from the media, public gatherings, discussions, text books, educational institutions, webpages or published works of Bangladesh Government Press. Persons with disabilities cannot access such information and ideas in the same manner as others, due to physical, social and cultural barriers. Every Bangladeshi citizen is bound to respect the laws of land. Ignorance of law cannot be an excuse. That is why the State publishes and broadcasts legal information through government press publications, websites, posters, SMS, and through television and radio stations. But no publication is made in braille, large print, audio recording, sign language or in any other accessible format. According to Article 31 of the Constitution, citizens are entitled to be treated only in accordance with law, while Article 35 guarantees the right to fair trial. Persons with disabilities are deprived of their right to information and are exposed to threats of being prosecuted for violation of laws for their ignorance of laws due to lack of opportunities to access legal information. To address this issue, the study focused on a study of relevant international and domestic laws and practices and included interviews with lawyers, disability rights experts, and DPO leaders. It was found that there laws for ensuring disabled people's right to information are not implemented properly. No visible initiative from the State was found in disseminating legal information among persons with visual, hearing, speech impairments or neuro-developmental disabilities. The recommended implementing Clauses 4 and 6 of the Schedule of the Disability Rights and Protection Act 2013, with emphasis on: (1) creating accessible websites in Unicode, with video sub-titles, audio descriptions, screen readers, text to speech, braille, large font, color contrast options; (2) producing adequate numbers of braille printed, audio recorded, large printed documents and published in sign language; and (3) reducing the prices of ICT equipment and providing trainings to users.



MENUCHING MARMA

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Equality Fellow

Menuching Marma is a member of the Marma community of Rangamati Hill District. Menuching has witnessed from her childhood that her own family and neighbours, usually women, do not inherit property. She decided to research on this practice in her own community in order to establish women's inheritance rights. Her goals are to ensure that Marma women of two circles (Mong and Chakma) can secure their inheritance rights, and to remove discrimination against women and in the Chittagong Hill Tracts.

Prior to her fellowship, in 2014, Menuching briefly practiced with a senior in the Dhaka District Court.

Menuching has both an LL.B (Hons) and LL.M degree from the University of Information Technology & Sciences, Dhaka.

A Comparative Study of the Succession Rights of Marma Women in Three Hill Districts

The Constitution of Bangladesh recognizes that women shall enjoy the full measure of human rights and fundamental freedom without hindrance or discrimination, but these rights are not visible in Marma women's lives. The Marma community people, who are living in 'Bhomang Circle,' follow Myanmar inheritance law while some Marmas who are living under 'Mong Circle' and 'Chakma Circle' do not follow Myanmar inheritance law but their own traditional law. Under Myanmar inheritance law, Marma sons get share $\frac{3}{4}$ portion and the daughters get $\frac{1}{4}$ portion of the entire property. But Mong and Chakma circles Marma women cannot enjoy any property. While existing research on Indigenous Inheritance Law indicates that all Marma women are able to enjoy the inheritance property, in reality it was found that this only applies to Bhomang circle and not the other two circles in Marma community. This dual policy, which is prevalent in Marma women's life, creates discrimination. At the place of village trial system and politics, Marma women's are rival and opposite. As village heads are from different casts for different villages (Chakma, Tripura, Tanchangya etc.), they have no idea about the Marma Inheritance Law. The Marma community people only reserve the rights of inheritance to what the other communities don't already have claims to. Moreover it was found that Bhomang Circle Marma women have become aware of the Inheritance Law in the High Court due to writ petitions filed on their behalf. But this cannot be seen in Mong and Chakma circles. In Chakma circle due to inappropriate law and weak judicial village heads, Marma women are deprived of inheritance property. Moreover, Marma women in Chakma circle are in a crisis of disagreements over giving property and other familial issues. As Marma woman of Chakma circle are stuck in a low socio-economic position, they lose decision-making power that makes them feel helpless and worthless. Hence it is crucial that NGOs raise awareness among Marma women about available legal services and the government, NGOs and village heads should be trained about the law of succession.



MD. FIROJ UDDIN

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Equality Fellow

Md. Firoj Uddin, a former Secretary of RUDO (Rajshahi University Disabled Organization) and a former member of PDF (Physically Challenged People Development Foundation), has physical disabilities. Firoj has long been concerned about equality and rights for disabled people. He believes it is crucial that disabled people's rights to equal access to employment is realized and wishes to increase such access of persons with disability in the public sector through his research and advocacy. He decided to undertake research on public sector employment for persons with disability in Bangladesh.

Prior to his fellowship, Firoj practiced with a senior lawyer in the Sirajganj District Court. He received training on Public Interest Lawyering through a programme organized by BLAST's Rajshahi Law Clinic in 2014.

Md. Firoj has both a LLB (Hons.) and LLM degree from the University of Rajshahi.

“Before engagement in the fellowship I did not have skills to find out about the practice of inequality and discrimination or human rights issues. Now I can find out where inequality and discrimination exists because the fellowship program has given me of the capacity to analyse this in the context of the lives of marginalized and socially excluded communities and to gain knowledge of initiatives to expand their access to justice.”

Right to Employment for Persons with Disability in Bangladesh and its Implementation in the Public Sector: A Case Study in two Dhaka City Corporations

The scope of employment for persons with disability is very limited in Bangladesh. Generally, persons with disability are considered not fit for employment, even when they are otherwise qualified and competent. It is unclear whether laws relating to the protection of employment for persons with disability are being followed in the public service sector. To investigate this issue, employees of Dhaka South and North City Corporations, employees of different government offices, unemployed persons with disabilities, and human rights activists who work for rights of persons with disabilities, were interviewed. Through the interviews, barriers to getting jobs in the public sector for persons with disabilities were identified along with current practice of employment of persons with disability. In addition, 11 RTI applications were filed in different ministries (Social Welfare, Public Administration, Foreign Affairs, Local Government and Rural Development, Labour and Employment and Law, Justice and Parliamentary Affairs), government's offices (Bangladesh Bank), and various statutory and other bodies (the National Human Rights Commission, the Public Service Commission and the Judicial Service Commission) to collect information on the quotas reserved for persons with disability in public service, the number of disabled employees, reasonable accommodation, if any, for disabled employees and written and viva marks in BCS and JSC examination from 2010 to 2015. Research findings included non-compliance with the allotted quota for persons with disabilities and lack of reasonable accommodation.



PROBHAT TUDU

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Equality Fellow

Probhat Tudu is a member of the Santal community and has undertaken the fellowship to investigate Santal people's inability to preserve their land rights. He sees land disputes as a vital problem for the Santal people, and chose to undertake research on this issue to advocate for and raise awareness within the Santal community of their rights.

Prior to his fellowship, Probhat volunteered as a Chairman at the Lutheran Youth and Children Ministry under the Bangladesh Northern Evangelical Lutheran Church for six years till June 2010 and as Officer Management (Social Mobilization & Communication) at Voice for Interactive Choice and Empowerment (VOICE) till July 2014. He has also served as the secretary of the Santal Lekhok Forum.

Probhat has a MSS degree from Government Bangla College, National University and an LLB degree from Daffodil International University, Dhaka.

"I got a great chance to talk directly to Santal people and to listen their problems. Currently while Bangladesh has entered a digital era, many Santal people are living with illiteracy and poverty. They have many problems but the land dispossession is a main problem and they are not able to protect their land rights...through the fellowship program I gained knowledge on human rights and indigenous rights, and gained experience in research."

Protection of Land Rights for Santal People

The Santals are one of the oldest and largest indigenous communities living mainly in the northwestern belt. Day by day they are losing their lands either through actions by the state or sometimes by land grabbers, putting Santal people's life, security and socio-economic and political livelihood at stake. Many have suffered insecurity, torture, murder and forced migration due to the land grabbing and in many cases the state has failed to ensure their safety. Land rights are recognized in the Constitution, UN treaties, ILO Conventions Nos 107 and 169 and other existing laws. In reality, Santal people's land rights are under threat. This study focused on cases in Mohanoil, Jhikra and Maliyakhor villages at Nachole Upazila under in Chapainawabgonj district. In these villages, a survey of 101 families was carried out relating to their education, knowledge on land law, incidence of land disputes, and litigation. Three Focus Group Discussions were conducted as well as in-depth interviews with a Member of Parliament, Santal leaders, a lawyer and a writer. Findings regarding the key causes of land dispossession of the Santal people included illegal occupancy by influential people, falsification of land deeds, doctored land survey documents, false court cases, loss of lands during the Tebhaga movement, Darusha riot and the Liberation War. Many Santal people are not aware of their customary laws and practices, and lack knowledge of relevant laws.





Female workers (Leaf collectors) are waiting to load their daily collections at Allynugger Garden, Srimongol, Mowlovibazar, Shylet.
Photo Credit: Md Razu Masum



BAYEZID HOSSAIN

Community Justice Fellow

Bayezid Hossain is a young journalist. His research is focused on the issues that Rakhine people face due to transfer of ownership of traditional businesses to non-Rakhaine people, in particular the reasons for occupation of Rakhine lands and businesses. As the Rakhine community loses ownership over both their traditional businesses and their ancestral lands, they become increasingly vulnerable to migration.

Prior to his fellowship at BLAST, Bayezid trained as a sub-editor, worked as a part-time journalist for Ekattor Television and received training on the right to information from RIB.

He has an MSS degree in Journalism from Jagannath University.

Change of Business Trends and Ownership in the Rakhine community and its Implications: A study on the Cox's Bazar Context

The Rakhine, an ethnic group from Arakan, reportedly migrated to Bangladesh in the late 18th century and settled in the coastal districts of Cox's Bazar and Patuakhali. The community has a long history and culture dating back several thousand years. It is believed that they were the inhabitants of the ancient kingdom of Magadha and later migrated to Rokhong, Rokhaingpi, Arkhang, Rosang, Rakhinepray or Arakan in present day Myanmar. The Rakhine of Cox's Bazar for the most part depend on their traditional methods of producing and selling good. However, today most of the owners of "Rakhine shops" and "Rakhine markets" are ethnically Bengali, with Rakhine people simply serving as paid employees. In many areas, land grabbers have expropriated Rakhine peoples' lands resulting in the eviction of many families from their ancestral properties.

In this context, the research study aimed to identify existing justice mechanisms for the Rakhine Community; outline proposals for law makers about amendments needed to the State Acquisition and Tenancy Act to prioritize the concerns of marginalized ethnic communities; and find a more realistic way to ensure land rights and advocate for the rights of the Rakhine community of Cox's Bazar. Based on the findings, the following recommendations were made: (1) to establish a separate land commission for plains Indigenous Peoples for restoration of land which has been occupied; (2) ensure the implementation of existing laws to protect the rights of Rakhines; (3) to ensure security and safety for indigenous people across the country; (4) to ensure that organisations such as BLAST assist the government to reform laws and policies and ensure protection of the rights of Rakhine community through legal aid and advocacy.



RUPA DATTA

Community Justice Fellow

Rupa Datta is a researcher, who has focused her study on the concept of land ownership within the Mru community in the Chittagong Hill Tracts, in the context of applicable land policies. In contrast to the Chakma and Marma communities, the Mru are relatively isolated.

Rupa has been working in the field of research and development since 2007. She started volunteering with a local NGO that led to her work with indigenous people in the CHT, specifically in Bandarban district. As part of the research team of Caritas Chittagong Region, she jointly produced a working paper titled “The Effects of Extreme Poor adibashi Income Earners’ Ill-health on the Resilience of their Households: A Qualitative Analysis from the CHT.” Rupa is also a volunteer researcher with the Bangladesh Python Research team.

Rupa holds both a BSS (Honours) and MSS degree in Sociology from Chittagong College, National University and an MA in Biodiversity Management from Independent University.

Land Transfer in the Mru Adivasi Community: An Analysis of Existing Practices, Policy and Gaps

The study focuses on the Mru community's practices of land transfer and related laws and policies. The Mru, an indigenous group in Bandarban district in the Chittagong Hill Tracts, consider land as their community property. In the Mru Community, land transfer laws and practices are totally different from those of the state. Most members of the community do not hold land titles. Land transfer through inheritance is still uncommon because the idea of private ownership of land is comparatively new in the Mru community. This means that many cases of land transfer rely on a headman's report, although this is not recognized as proof of ownership. This accounts for the insecurity among the Mru community. Some exploit this system by convincing Mru men to sell their headman's report for cash. Many do so, given the limited cash flow in the Mru community due to their subsistence farming. Sometimes farmers believe they could move to another mouza and collect another headman's report, although this practice is ecologically harmful, because jhum land is reducing day-by-day, but community members remain unaware of these consequences. Another form of "transfer" known as land grabbing follows the use of threats of violence to force people to leave their land.



MD RAZU AHMAD MASUM

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Community Justice Fellow

Razu is an ethnographic researcher with a track record in conducting research on the working conditions of Dalit cleaners and sex workers in Bangladesh. As Dalits are among the most marginalized within the religious minority communities, Razu has always had a keen interest in working on their rights and decided to focus his research on the issue of the rights of Dalit tea garden workers.

Prior to his fellowship, Razu worked as a researcher for three years. He first worked on ethnographic research on the Dalit community, specifically their culture and rituals under the supervision of Dr. Farzana Islam, now Vice Chancellor of Jahangirnagar University. As a junior research associated with dRi (Development Research Initiative) he took part in several studies including 'Needs Assessment of Children Living in and around Daulatdia and Faridpur Brothels' for Save the Children. Razu also worked on conference documentation for the Action Aid Policy Programme & Campaign Team, and was a Research Assistant at Nagorik Uddyog from February to September 2013.

Md Razu holds a BSS (Honours) and an MSS degree in Anthropology from Jahangirnagar University.

"It was a great opportunity for me to work as an independent researcher with great pool of resources and networks. Through the fellowship program I had the opportunity to choose my own topic on an issue of my personal interest."

Rights of Dalit Tea Garden Workers in Sylhet

According to the Tea Board of Bangladesh, approximately 118,000 workers are based in more than 166 tea gardens across the country, with most from the Dalit community. The Bangladesh Labour Act 2006 aims to protect workers' rights all over the country, but does not appear to apply to these workers. This study was carried out in Allynugger and Bhurburiya tea garden in Srimongol Upazila, using focus group discussions, in-depth interviews, Key Informant Interviews, Problem Ranking and Institutional Mappings. The study documents worker's rights violations, and significant gaps in enforcement of the BLA. For example, while the BLA requires many tea workers in both gardens lacked either appointment letters or ID Card. Many workers were not made permanent. Only factory workers worked for the daily eight hours. Other tila workers and leaf collectors receive a daily task from the management as day labourers and are deprived in many cases of their right to holiday wages. In addition, the wage board failed to assess cost of living, leading to meager wages and poor standards of living for many. Most permanent workers are still not living in proper housing facilities and many non-permanent workers are provided with no housing at all. Most workers lack any knowledge about their rights including how to access remedies at the Labour Court. So, while a strong national legal framework exists, there are large gaps in worker's rights protection in practice. As the majority of tea workers are Dalits, their history of migration and caste discrimination has contributed to their receiving discriminatory wage and facilities.



STHITI SANGMA

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Community Justice Fellow

Sthiti has witnessed the problems faced by the Garo community, especially those working in extraction of china mati (china clay). Sthiti's experience has motivated her to research the issues faced by such workers and to undertake fellowship to identify the problems and challenges such workers face, and the measures required for them to secure access to justice.

Prior to the fellowship, Sthiti volunteered at World Vision Bangladesh for a sponsorship program. She also participated in a training programme organized by the Asian Human Rights Study Centre and Ain O Salish Kendra (ASK) on Economic, Social and Cultural Rights in 2012.

Sthiti hold a BSS and an MSS degree in Political Science from Anandamohan College, Mymensingh.

“There are many people affected by discrimination in marginalized and socially excluded communities. Specially, marginalized people are suffering various kinds of discrimination including racial discrimination, discrimination at the work place, and religious discrimination. But they are not able to take any initiative to increase their access to justice. Through the fellowship program, I found out how a human rights and legal services organization can work to ensure of the rights of mine workers, and to ensure medical support and compensation for workers.”

Challenges and Adverse Effects Faced by the Kaolin ('China Mati') Extracting Garo Workers

Garo indigenous communities are increasingly marginalized and disempowered as the poor are evicted from their lands. The Sada Sona (White Gold) hills, located at Bijoypur, Susong Durgapur Upazila in Netrokona District, provide one of the main sources of the country's china clay used for various ceramic goods. Among the indigenous communities such as the Mandi (Garo), Hajong and others who live in this Susong Durgapur Upozila, many men and women work as clay mine workers. The study involved a small household survey, focus group discussions, interviews of workers, filing of an RTI application and documentation of case studies to examine and record the current working situations of the Garo workers involved in kaolin extraction in Gaimara village, Maispara Mouza, Kullaura union, Susong Durgapur Upozila. The key findings included that workers wages are quite inadequate, and that women workers' earnings are lower than men's for example Tk.130 a day, as opposed to Taka 150 per day for a man for the same work. Overtime payments are not made. Day labourers work from 8am to 1pm and get no official holidays and are compelled to work be paid. Working conditions are poor. There are few facilities available. Work is carried out in full heat and glare of the sun and in dust, without adequate tools and equipment. Such poor and unhygienic working conditions result in frequent health problems, such as asthma, headaches, arthritis, waist aches shoulder pains and quick aging. Workers have limited knowledge of their rights or the laws which might protect them, and depend wholly on their employers for their survival, as they have no other source of work. Most workers do not get any compensation for workplace injuries. In addition to the harm to individual workers, china clay mining is creating a negative impact on the environment with increased deforestation and land erosion.