



“PROTECTION OF WOMEN RIGHTS”

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Fortunately, I had the opportunity to attend the 11th Biennial International Conference of International Association of Woman Judges held in London, U.K. from 2nd till 5th of May, 2012 along with Justice Nazmun Ara Sultana and others. In the conference, Lady Judges of most of the countries participated. There were 7 Lady Chief Justices. We were lucky to hear them and enrich our knowledge. The Chief Justices of Canada, Ghana, Jamaica and the Chief Justice of Family Court of Australia spoke in the Plenary Session.1. The Chief Justice of Canada, the Right Hon’ble Beverly Mc Lachlin, as she is addressed, while speaking before the audience, remarked that while dealing with cases in which the victim or the accused is a woman or a child, a judge should be more cautious. She said that three “C”, alphabet C, is also to be followed, like conscience, the inmost thought, which starts with C followed by commonsense and caring, which also starts with the alphabet “C”. Thus, application of conscience, commonsense and being caring in such cases will lead to a proper judgment. A judge should learn to look beyond what he or she sees. One should not confine to the papers presented before him or her. One should use Conscience and Common Sense and be Caring towards the victim. Victims like to be believed. There may be cases where for insufficient evidence the accused escapes. In such cases, it will have to be made understandable to the victims that acquittal does not mean that they are disbelieved. It means there was not sufficient evidence in the case.

The Chief Justice of Jamaica, Justice Zaila Mc Calla, while making her presentation shared her experience with us and informed that in some cases women accused were found to be victims themselves. In a case where the accused of a murder case was a woman and the allegation against her was that of killing her brother in law, the Trial Court judge, which she was at that time, called the accused in her chamber and spoke with her and after some time, the accused broke into tears and narrated the incident as it was. The fact was that the deceased used to outrage her modesty when her husband was at his work place and due to shame and embarrassment and assuming that she would be misunderstood by her in laws, she kept quiet but on the day of occurrence, she was raped in presence of her two years old son, which she could not take, and using a kitchen utensil, probably a knife, she stabbed the man, causing his death. According to the Chief Justice of Jamaica the woman was a victim, rather than an accused.

When a man is in jail many people go to visit him in jail and his house and children are being taken care of and there is fire in his stove but when a woman is in custody, hardly anybody visit her, family breaks, husband remarries and children are not taken care of

and they become juvenile offenders. Violence against woman knows no boundaries, whether in rural areas or urban centers. Women are subject to gender-based violence.

The Courts have a duty to protect woman from valance and to interpret and apply the law within the context of those applicable by international obligations to which Bangladesh has entered, thereby developing and strengthening a jurisprudence of equality in all cases.

Through judicial creativity and gender responsive interpretation of national laws within the context of international human rights, law and norms, judge may contribute substantially of the protection of woman and other vulnerable groups against further harm.

Days have come when the justice sector or judiciary is thinking to get construed by reference to the Law as it prevails in the Country but the Court has to buildup its own jurisprudence according to the need of the people and has to evolve new principles and lay down new norms which would adequately deal with the problems of the people.

Definitely all are equal in the eye of law, but special attention should be give when the aggrieved person or the accused is a child or a female as, considering our socio-economic condition, it is often found that these persons are the victims of the circumstances.

Our Judiciary is neither blind nor indifferent and where necessary, takes bold steps for the enforcement of legal protection of the aggrieved persons. The members of the Bar and the Bench with joint effort will provide protection of woman rights by their easy access to justice system.

