

## 1. National legal Framework

Bangladesh Constitution is the supreme legal framework for older people accessing to justice in Bangladesh. The Constitution of Bangladesh itself ensures the basis of the legal aid mechanism by its different articles though there is no explicit and unambiguous expression in any articles on the subject matter concerned. Firstly, article 27 says that all the citizens are equal before the law and are entitled to an equal protection of the law.<sup>x</sup> Article 14 states that it shall be the fundamental responsibility of the state to emancipate backward sectors of the society from all forms of exploitations. Article 18 says that the state shall endeavor to ensure equality of opportunity to all citizens. Article 31(2) guarantees the protection of law and to be treated only in accordance with the law. Article 35(3) ensures a speedy and fair trial. Article 33(1) states that any person arrested shall not be denied the right to consult and be defended by a legal practitioner of his choice. The Constitution of Bangladesh recognizes the concepts 'equality before the law', 'equal protection of the law', 'rule of law' and other legal concepts wherein the issue 'legal aid' is observed to be underpowered and basically remains as a non-applicable concept. We get the flavor of legal aid in specific provisions in very limited scale in Bangladeshi Laws both in the civil and the criminal sectors. <sup>xi</sup>

Recently the Parents Maintenance Act 2013 made both male son and daughters to carry the maintenance of their parents. The legal entity also made it obligatory to the offspring about taking care of the parents in regular basis along with ensuring necessary health needs. According to this law, if any child of particular parent violates section 3 and 4 shall be entitled to the punishment of TK.100 thousand in case of incapacitations of paying this amount money there is option for 3 month long imprisonment.

## 2.Availability

There are no specific steps were taken to support older people's access to justice in Bangladesh. The formal justice system includes all role players in criminal justice - the police, prisons, Prosecutors, ministries, National Legal Aid Services Organization (NLASO), lawyers and the criminal courts – and those involved in civil justice, including primarily lawyers and the civil courts.

At the informal level, justice is provided primarily by traditional Shalish (a mix of mediation and arbitration, often administered by the Union Parishad Chair), Arbitration Councils<sup>2</sup> religious, Customary and other leaders, and NGO-led mediation, often based on traditional Shalish but in some cases modified to be fairer to women and other vulnerable groups, and often referred to as NGO-led

Shalish. In Bangladesh Older people's violation of legal rights are recently emerging. These violations are not exposed adequately because silence of victim. Most violations are taking place in family space. RIC research found senior workers in informal sectors are being deprived of pension and other retirement's money. No legal supports are available for these helpless retiree for initiating legal fight to get their lawful arrears

### **3.Accessibility**

#### ***The Legal Aid Services Act, 2000***

The most recent development and operating legislation relating to provide a legal aid in Bangladesh is the Legal Aid Services Act, 2000. According to this Act, the whole legal aid service to underprivileged citizen are conducted through a National Legal Aid Services Board and by its district committees. All the powers and authorities in this regulation of legal aid are vested to the National Legal Aid Board. National Board shall determine the eligibility of the applicants for the legal aid and enact the rules of business in this regard. Different legal aid schemes shall be developed and complemented by legal education and research. The Act envisages initiatives to the Board to make the local people aware of their legal rights through publications, seminars and the media.xviii

#### **District Legal Aid Committee**

The District Legal Aid Committee (District Committee) is solely responsible to provide legal aids at grass root level subject to the availability of funds from the government. The committee shall invite application from the seekers of legal aid, screen the applications, determine the criteria for proviso of legal aid and finally provide the legal aids

#### **Weaknesses of Legal Aid Act**

Though the Legal Aid Services Act, 2000 is a landmark to the legal empowerment of the disadvantages and vulnerable people, it is not free from criticisms. The Act is full of loopholes and weakness in the whole mechanism of legal aid services. On a careful analysis of the Legal Aid Services Act, 2000 the following loopholes are worth mentioning:

- a. The Act does not specify cases for which legal aid can be provided.
- b. The process of consideration of application can be identified as another source of delay in meeting the ends of justice as the members of the Board and Committee who

will consider the applications are often very busy. As a result the applicant does not get justice when really needed.

c. In comparison with the number of legal aid seekers, the number of meetings held to consider these applications fall short of the requirement, as the Board holds at least one meeting in every three months and the Committee holds one meeting in every month.

d. The accountability of the members of the Board and Committee are not ensured in the Act and for this reason, this Act may meet the same fate as other Acts of Bangladesh.

### **Older people are not counted for legal Aid**

Resource Integration Center RIC took a micro study in Pirojpur district in Bangladesh to assess the older people's problems and opportunities accessing to legal aid finally to get justice. Through FGDs and Key informant interviews covered both demand and supply side. Findings are the following:

1. Older people recently are facing lot of legal rights violation In terms of controlling property and saving but most cases perpetrators are own family close kin so they are not seeking legal solutions
2. Older victims have low demand for legal aid
3. Even they are not seeking dispute resolution Shalish at local level
4. Older women needs more legal protection but no law focuses the specialty older women vulnerabilities and deprivations

#### **Providers**

Concerned members of district legal aid were reluctant to give interview about supporting older and giving legal aid. In informal talking they are not counting older people as underprivileged groups for legal aid because as older people they are not facing any legal rights violations.

### **Equality and non-discrimination**

#### **No older people friendly and age appropriate mechanism and procedure for getting access State Governed legal Aid**

Legal aid fund from government is limited. So there is competition among the deserving groups. So when two women victims ( one young and other is older women ) come to get legal aid , often older woman is being excluded because her absence of social skills. On the other side legal aid administration has no age friendly procedure and prioritization of old age . Older people both female and male are totally excluded from legal aid Bangladesh. Because low level information about their rights violations and their silences. Social actors –family , associations, committees should work for older people equality before law and be aware any inequality and discrimination against them, Finally legal aid board and legal aid committee should introduce some reform in the legal aid system for ensuring their holistic accountability of legal protection its senior citizens.

What are the provisions adopted to ensure effective access to justice for older persons on an equal basis with others, including age-appropriate procedures in all administrative and legal proceedings?

8. Please specify existing public policies and awareness-raising and capacity building programmes established for all justice system personnel to address the negative impacts of ageism and age discrimination in justice system.

### **Accountability**

**Accountability should be ensured the following.** 1) Political way – political actors will be aware of demographic transition and growth older population in Bangladesh. Among growing older people – the vulnerable and under privileged percentage also be raising so they needs legal aid for their protection . Political power is accountable for this protection.

How do you ensure justice systems function in accordance with the principles of independence and impartiality? Please specify if there is any oversight mechanism in place to address any discrimination against older persons committed by justice system professionals