



Community Legal Services



Community Legal Services (CLS) Endline Perception Survey Report 2016

March 2017

Conducted By



Capacity Building Service Group (CBSG)
4/2 Block B (4th Floor), Lalmatia, Dhaka-1207
Tel: +88 02- 5815 5672, 913 1027
Email: info@cbsg-bd.org Web: www.cbsg-bd.org

List of Abbreviations

AC	Arbitration Councils
ADR	Alternative Dispute Resolution
BDT	Bangladeshi Taka
BLAST	Bangladesh Legal Aid and Services Trust
BNWLA	Bangladesh National Woman Lawyers' Association
BELA	Bangladesh Environmental Lawyers Association
CBO	Community Based Organisation
CBSG	Capacity Building Service Group
CHT	Chittagong Hill Tracts
CLS	Community Legal Service
CODEC	Community Development Centre
DV	Domestic Violence
DoE	Department of Environment
DFID	Department for International Development
DJC	District Judge Court
DLAC	District Legal Aid Committee
DPA	Dowry Prohibition Act
FCO	Family Court Ordinance
FGD	Focus Group Discussion
FIR	First Information Report
GD	General Diary
GLA	Government Legal Aid
HC	High Court
HH	House Hold
HHH	House Hold Head
HSS	Household Sample Survey
HtR	Hard to Reach
HR	Human Rights
KII	Key Informants Interview
LAA	Legal Aid Agencies
LEA	Law Enforcing Agencies
LEB	Local Elected Body
LEP	Local Elite People
LER	Local Elected Representatives
LH	Light House
LL	Local Leaders
LRL	Local Religious Leader
M&E	Monitoring and Evaluation
MIS	Management Information System
MLAA	Madaripur Legal Aid Association

MoU	Memorandum of Understanding
NALSO	National Legal Aid Services Organisation
NGO	Non-Governmental Organisations
NNGO	National Non-Government Organisation
NU	Nagorik Uddyog
OCC	One Stop Crisis Centre
PS	Police Station
RAB	Rapid Action Battalion
RDRS	Rangpur Dinajpur Rural Service
RMO	Resident Medical Officer
SSC	Secondary School Certificate
SPSS	Statistical Package for the Social Sciences
TOR	Terms of Reference
TV	Television
ULAC	Upazila Legal Aid Committee
UK	United Kingdom
UP	Union Parishad
VAW	Violence against Women
VC	Village Court
VDP	Village Defense Party
VSC	Victim Support Centre
WCRPT	Women and Children Repression Prevention Tribunal

Acknowledgement

This endline study report is the result of joint efforts of CBSG survey team, CLS team and the concerned staff of CLS grantee NGOs. The study would not possible without their patience and help as well as a co-operative working relationship among them.

The Study team gratefully acknowledges the contribution of all CLS project management staff members. In particular, the team is thankful to Mr. Jerome Sayre, Team Leader, Community Legal Service (CLS), Mr. Muhammad Maksudul Hannan, Learning Knowledge Management & Evaluation Expert, Mr. Md. Kamrul Huda, Senior Monitoring Specialist, Mr. Shamsul Arefin, Monitoring & Evaluation Manager for providing much of the insights in respect to reviewing indicators and variables, revising/designing survey tools, fine tuning the methodology, data analysis and reviewing the survey report.

The team expresses its sincere thanks to all the staff members of CLS grantee NGOs for assisting the field data collection team, and not the least the community people, field workers/paralegal staff who have given their valuable time to provide information during survey, FGDs, Case Study and Key Informant Interviews.

Finally, while acknowledging the valuable inputs of all the above officials and staff, CBSG stands by the conclusions reached during the survey processes and believes them to be a sound response to the information and evidence available. The survey team also recognizes that the findings, including any errors and omissions contained within this report, are its own.

CBSG Study Team

Table of Contents

List of Abbreviations	1
Acknowledgement	3
Table of Contents.....	4
Executive Summary	6
Chapter 1: Introduction.....	12
1.1 Background and Introduction	12
1.2 Objectives of the Endline Perception Study.....	12
1.3 Methodology and Coverage.....	13
1.4 Data Triangulation.....	13
1.5 Limitations of the Survey	14
1.6 Organisation of the Report	14
Chapter 2: Socioeconomic Profile.....	16
2.1 Introduction.....	16
2.2 Basic Demographic and Socioeconomic Profile	16
Chapter 3: Perception on Legal Issues and Remedial.....	17
3.1 Introduction.....	17
3.2 Legal context and the CLS programme Interventions.....	17
3.3 General perception on Crime and Offensive Situation.....	19
3.4 Perceived Legal Uptake Measures	22
Chapter 4: Awareness and Skills on Legal Systems	24
4.1 Introduction.....	24
4.2 Knowledge on Fundamental Rights	24
4.3 Knowledge about Family related Legal Rights	25
4.4 Knowledge about Violence against Women (VAW).....	25
4.5 Knowledge about General Crimes.....	26
4.6 Knowledge about Laws in daily life	26
4.7 Knowledge about Legal Service providers	26
4.8 Knowledge about Legal aid and services organisations.....	27
4.9 Knowledge about NGO Legal Aid Services	27
4.10 Familiarity of CLS in the Community.....	28
4.11 Basic Experience to Access to Legal System	28
4.12 Source of Legal Information	28

Chapter 5: Legal Issues and Remedial.....	29
5.1 Introduction.....	29
5.2 Prevalence of HH level Legal Issues	29
5.3 Justice Seeking Behavior	29
5.4 Proponents and Barriers to Legal Uptake	31
5.5 Satisfaction on Legal Services	31
5.6 Role of NGOs in Access to Legal Services.....	32
Chapter 6: CLS Special Interest Areas.....	33
6.1 Introduction.....	33
6.2 Environmental Issues and Concerns	33
6.3 Ethnic Issues and Justice System.....	34
Chapter 7: Conclusion	36
Annexure	
Annex-A: Terms of Reference of the Perception Study	
Annex-B: Methodology and Implementation	
Annex-C: Survey Tools	
Annex-D: All Output Tables	
Annex-E: Case Study	
Annex-F: Bibliography	
Annex-G: Summary Findings and Recommendations	

Executive Summary

The Community Legal Service (CLS) Programme is a five-year project (2012-2017) intended to empower the marginalized and underprivileged people to access equitable justice and to defend their rights and entitlements. Main activities of CLS are to: 1. Provide Legal Information and Advice, 2. Make Referrals to Formal Justice Institutions, 3. Conduct Mediation, and 4. Deliver Litigation Services including Public Interest Litigation (PIL).

In 2013 CLS commissioned a baseline perception study at the beginning of the project, and in 2016, the endline study is conducted to assess the project results and the prevailing legal situations at large.

This study used a combination of quantitative and qualitative methods. A sample survey was conducted on 1800 HHs from 30 districts across Bangladesh and 90 indigenous community households. A majority of the respondents were female. Among 1800 sample HHs, basic characteristics of 1,164 HHs matched with the baseline sample respondents and hence, for comparison with baseline, this report used findings of those 1,164 HHs only. A good number of Focus Group Discussions (FGDs), Key Informant Interviews (KIIs) and case studies were conducted to supplement the quantitative survey. Special FGDs, KIIs and case studies were conducted with victims to capture experiences with environmental hazards and oppression on indigenous peoples.

The study was conducted between August-November 2016. It has touched upon people's perception on their legal rights and their entitlements which provide a broad view of existing legal system in relation with victims' journey to access to justice and the current scenario of legal arena. Both are complementary to develop and sustain a society that has high trust and confidence on legal systems as well as that delivers justice to benefit all especially the poor and marginalized.

Respondents' Profile

The study was mainly focused on the poor, disadvantaged and marginalized section of the population. Among them many were direct beneficiaries of CLS programme. The study strived to compare, assess and analyse basic changes on the sampled HHs on key indices, which would potentially provide evidence of CLS project impact.

The average age of the respondents has been found to be around 34 and most are married. Most of the HHs are male headed - only 10.7% are female-headed HHs. Majority of the respondents have formal schooling. Farming, small business, non-agricultural labor and formal employment are major occupations of the respondents. Average monthly incomes of the HHs are found at BDT 9,272, which is 2.4% higher than the baseline. Family size is estimated at 4.46, lower than the national average (4.68). Male-female ratio is found at 49.3:50.7 closely resembling the national ratio (50.06:49.94).

Key Study Results

CLS has developed an innovative and scalable model of community level dispute resolution that has contributed to access to basic legal services and ensuring remedy for the poor, disadvantaged and the marginalized people who would otherwise not get access to justice. Newly formed community level legal services alongside increased women's participation in local level proceedings have made it possible for the common people to raise their voice against the powerful traditional mediation systems. Legal awareness along with increased

knowledge of how to use legal systems contributed positively to increased access to legal

CLS has developed an innovative and scalable model of community level dispute resolution that has contributed to access to basic legal services.

services and remedies with less cost, time and burden. Women and marginalized people now have a transformational role in the community moving from merely a victim to a dispute resolution mediator/counselor. Women's leadership and

community level activism gives confidence to victims to raise their voice to make a complaint, seek remedy and access to justice. Increases in the reporting of family level disputes are signs of disclosure rather than deterioration. FGDs with cross section of people and *Salish* (Mediation) committees have showed their confidence in *Salish* systems and participants have vowed to continue the systems even if NGO support is withdrawn. However, evidently, their reliance on NGOs to operate the system is still significant and further capacity building is also strongly recommended for the local *Salish* committees.

People's Perception on Legal Issues and Remedies

We attempted to understand the general perception of people on the legal systems and their service seeking behaviors. People's perception on criminal incidents or offences as well as respective legal remedies may not provide an accurate account but they do provide a general overview of the incidents and prevalent conditions. . People felt there was an improvement in community level criminal incidents.

The most commonly perceived civil matters are land and family related disputes. Respondents perceive that the land related disputes are on rise while family related issues such as divorce, dower and maintenance are declining. Land disputes now spilled over to major family and criminal issues.

General perceptions of community people about legal system of Bangladesh are still not very positive though improvements are acknowledged in justice seeking behavior. Now more people are seeking remedies through informal justice institutions. Most people believe that inadequate knowledge of legal issues, high cost for legal services, and concern about the quality of justice as well as the prolonged judicial process prevent people from seeking legal remedies from formal justice systems.

Awareness and Skills on Legal Systems

Awareness building is a key strategy of CLS programme. Partner NGOs have conducted various methods and campaigns for community level awareness development, as it is key to empowerment and justice seeking behaviour. CLS project have done a great job to capacitate people on these. Now more

Now more than 70% people have fairly good understanding that he/she can take legal action against any harm/injury against a negligible 13% at the beginning of the project.

than 70% people have fairly good understanding that he/she can take legal action against any harm/injury against a negligible 13% at the beginning of the project. General understanding of family related laws and VAW has improved as well. Adequate knowledge of how to deal with justice institutions/legal service providers is important to access respective legal services. There have been marked improvements on key areas like lodging FIR, GD registration, complaining to Arbitration Council, Village Court - from almost nothing to between 24% and 62% of respondents.

CLS' efforts to introduce legal system and legal service providers among the community members have made some progress, however, much more needs to be done to capacitate victims to seek legal services. Majority of the respondents do not have sufficient understanding/knowledge of formal legal system. *Salish* is becoming more pronounced at the community level. About 70% respondents are well aware of NGO facilitated *Salish*-highest level of awareness among all legal services. Government has established a number of legal service providing institutions, which are largely unknown to the people. Still only 42% respondents know about legal services of UP under village courts, and far fewer know about Government legal aid and community policing. At present a significant part of the community (about 74%) are familiar with CLS NGOs supported legal services. Local leaders and CLS NGOs are the main source of this knowledge followed by TV show, folk drama, court yard/community level awareness meetings.

Legal Issues and Remedies

In contrast to the community perception, no change is evident in the intensity of legal disputes and issues in the community. Prevalence of legal issues remains almost identical compared to the baseline scenario. The study revealed that about 38% of respondent HHs has encountered one or more legal dispute in the last two years, which was almost same (37.5%) during the baseline. VAW constitutes the majority of criminal offences followed by general criminal and family matters. However, general criminal incidents have declined significantly over the last two years from 11% to 8%, which is consistent with national crime statistics. VAW incidence has declined from 33% to 29% of HHs. Increased awareness and access to legal support among the CLS beneficiaries have helped them to recognize and report against any community legal disputes (civil/criminal). Non CLS beneficiaries either do not recognize pertinent issues as criminal incidents or are not encouraged to report these. Only 4% of non-beneficiaries¹ reported any family related dispute in the same time period. Therefore, the higher rate of legal disputes among CLS beneficiaries provides a much accurate revelation of community situation. Above statistics suggest that people are more concerned with general criminal and VAW cases than family and land related issues and perception on legal disputes is mainly shaped by criminal not civil incidents.

Women's voices can no longer be ignored
- Women FGD participants

Inheritance is a major area of legal dispute at the community level even in poor and marginal families where land holding is generally low. High price and scarcity of land lead to many family related issues and legal disputes.

Notwithstanding the high rate of legal disputes, access to justice and efforts to get remedies remain dismally low even though significant progress has been achieved over the last two years. Still, 57.2% respondents do not seek legal service, a reduction from 73.4% as revealed in the baseline. Introduction to CLS legal aid services is by far the most prominent contributor to enhanced legal service seeking behaviour. An important qualitative improvement has occurred in justice seeking behaviour as noticed in the survey. Now fewer people are seeking remedy from within the family or community, which are generally

¹Non-beneficiaries refer those who did receive any of the CLS services and didn't participate in its programme interventions as well.

considered biased and flawed. Access to formal justice system has increased though not significantly. That said, major improvements of justice seeking behaviour have resulted from the increasing number of people resorting to NGO facilitated *Salish*. Overall, people's access to quality justice systems is improved but yet inadequate.

The study has tracked legal dispute settlements over the last two years in CLS working areas.

A significant change is evident in the role of the traditional leaders who use discretionary power to impose their decisions arbitrarily in the name of justice. That has changed and their role is receding fast as NGO led *Salish* process is established.

It revealed that there is an increased trend of settlements in recent time mostly through NGO facilitated *Salish* systems, which now account for almost 33% of dispute settlements. The village court's role is still negligible though slight improvement is noticed. Most of the FGD respondents reported that a significant change is evident in the role of traditional leaders who use discretionary power to impose their

decisions arbitrarily in the name of justice. That has changed and their role is receding fast as NGO led *Salish* process is established - taking out the vested interest group from community level traditional justice system. This has made a qualitative change in traditional justice.

There has been an improvement in dispute resolution and legal settlements in the community. The study has tracked alternative dispute settlements over the last two years. The NGO facilitated *Salish* system now accounts for almost 33% of community level dispute settlements. During the baseline, 61% of legal disputes and complaints remained unresolved and pending with both informal and formal justice system which has come down to 22% during the endline study mainly due to the emergence of NGO *Salish* system and lower number of legal complaints. It is to be noted here that only a small number of legal disputes and complaints are turned into formal courts while majority of complaints are raised and resolved locally.

Now, more and more people are taking their disputes to the local level dispute resolution institutions and getting the resolution in less time. In addition, there has been an improvement of acceptance rate of legal decisions especially those made through *Salish*. Therefore, dispute resolution through NGO *Salish* is increasing.

High cost has been a strong barrier to ensuring access to justice. Poor, marginalized and rural people cannot pay for court, lawyer fees, transportation and other associated costs. High rate of local level dispute resolution including final settlement and less dispute settlements by the traditional *Salish* system (who are often blamed for kickback to render justice) has reduced costs for justice. DLAC contributions also helped poor and marginalised community.

Quality of judgment, cost and time to dispense justice are key issues for complainant, which often enhance or retard access to justice. Significant improvements have been noticed in the complainant's satisfaction level. From only 4% in the baseline, the rate of those highly satisfied has gone up to 36%. On the other hand the rate of dissatisfied complainants has gone down from 14% to around 4%. Among the various CLS referee legal service providers, 28% of respondents appreciated DLAC, ULAC, and national legal aid service organisation's initiatives. Local mediation and arbitration

Significant improvements have been noticed in the complainant's satisfaction level. From only 4% in the baseline, the rate of those highly satisfied has gone up to 36%.

service promoted by CLS have broken good ground in the community. Most of the beneficiaries are quite familiar with the program and gave it a high rating. Partner NGOs are also familiar among the beneficiaries though common community people are not yet very familiar with the services. Among various CLS activities, legal advice and community level mediation are highly regarded by the community people while rescue, rehabilitation/shelter, and service recipients are less satisfactory.

CLS partners support for environmental concerns and ethnic community's rights have made a positive dent on the relevant people. BELA has made huge contributions to shifting pollutant leather industry from Dhaka to a safer area in Savar and stoppage of illegal white clay mining in Netrokona.

CLS is also providing special attention to the ethnic community through targeted awareness and legal services, which have resulted in high level of legal awareness among them. Some of the victims have also received quality legal services and expected remedies through CLS.

Social Impact of CLS Programme

Apart from legal matters, CLS has been able to make a deep impact on social power relations and women empowerment. Marginalized men and women have now become an important part and stakeholder in local level legal service provision, which used to be reserved domain for elites.

CLS programme has taught me the leadership; I am now an elected local representative

- Saieda Begum. Jhalokathi

A cadre of women leaders has emerged in almost every community who are volunteering to protect women and the underprivileged from abuses and assisting to receive remedies. These volunteers are now an effective shield to stop child marriage, domestic violence and abuses to marginalized groups. Many CLS trained women leaders have contested in local elections and have become ward counselors/UP members.

The grassroots rights movement has shaken the sense of impunity among the powerful elites. It gives a sense of security and comfort to the poor. There are numerous examples where powerful groups had to attend and respect *Salish* proceedings due to community pressure. Social inclusion and collectivism is a unique aspect of CLS programme. Diverse group, community and people are coming together in the ADR. Inclusiveness gives it legitimacy in the community and serves as a key pillar to its sustainability.

There are numerous examples where powerful groups had to attend and respect Salish proceeding due to community pressure. Social inclusion and collectivism is a unique aspect of the CLS Programme.

Conclusion

There is a huge and growing need for legal aid services in Bangladesh. CLS programme has brought successful and cost-effective legal aid services at the community level. The communities have accepted its approaches and local institutions/service providers/committees have been developed to sustain the process though further capacity building of these is urgently needed for sustainability. However, NGOs role to facilitate the processes need further review to ensure that the community does not become dependent on NGOs to run the processes.

Salish approach of CLS has developed a new dimension of community leadership whose influence and credibility are linked with their ability to provide legal services on a continual basis. This creates a great opportunity for sustainability. However, group cohesiveness and continued commitment remains to be seen.

Service delivery approach of CLS is now a proven model with scale. As formal court system is still expensive and lengthy, *Salish* will continue to remain a dominant alternative at the community level to provide justice especially for the poor and marginalized.

Chapter 1: Introduction

1.1 Background and Introduction

The Community Legal Service (CLS) is a five-year project that seeks to empower marginalized and underprivileged people in urban and rural areas to access equitable justice and defend their legal rights and entitlement. The project started in February 2012 and will end in July 2017. It intended to enhance community legal service delivery by partner NGOs (grantees) with greater geographical coverage, targeting the poor and excluded (specifically women, children and ethnic minorities), It also emphasizes on greater quality assurance, attention to sustainability of interventions, better local level collaboration and greater advocacy and policy dialogue with government at the national level. Community legal services include, among other, access to justice programme for the poor and marginalised communities to be delivered through national and regional NGOs. In this regards, CLS programmes have already proved its efficiency through its versatile achievements. However, CLS project service delivery to the beneficiaries will cease from April 2017 when grant funding to local implementing partners will end.

In 2013, CLS commissioned a baseline perception study² to access adequacy and effectiveness of existing legal services at the community level, and obtain a thorough understanding of the nature of disputes/legal issues that marginalized and disadvantaged people experience. The study generated information primarily on:

- Needs of legal services of local communities;
- Available legal aid services and;
- Satisfaction level of service recipients.

The ultimate aim of the CLS programme is to improve access to justice and legal rights/entitlements for the poor and marginalized that potentially improves quality of life of the beneficiary of this programme. During the project period, CLS through its grantee NGOs implemented a series of activities to improve access to justice from grassroots level to national level.

1.2 Objectives of the Endline Perception Study

The endline survey in 2016 is carried out to gain insights of community people's perception on the adequacy, quality and cost effectiveness legal services. Information obtained from the end line survey has been compared with that of the baseline study to access progress. In essence, 2016 endline perception study attempted to assess project progress against key indicators set out in the CLS logical framework. The specific objectives of the study include:

- Assess progress over the project period on key impact indicators in the CLS log frame i.e. formal and in-formal justice systems provide equitable services to women, disadvantaged and marginalized people
- Assess progress on community people's knowledge/perception and availability and adequacy to the community access to available legal delivery systems. Assess

² CBSG was awarded to conduct Baseline Perception Study in 2013

changes in quality of legal services rendered to the community and thereby any change of community satisfactions on legal services rendered to them

- Gain insights on the change in scale and nature of community level legal problems and specifically the ones women/disadvantaged people encounter in their daily life
- Gain insights on the community peoples' attitude towards using formal and recognized legal delivery systems to get justice

1.3 Methodology and Coverage

The endline Perception Study CBSG adopted a combination of social and statistical research methodologies supplementing and complementing each other to bolster study results for assessment and programme learning. Thus, it has drawn upon both qualitative and quantitative research approaches. Primary elements of the endline perception study were based on key variables used in baseline perception survey and effectiveness of major CLS activities, objectives and service recipients. Specifically, this study has scientifically approached Desk Review, Household Sample Survey, Focus Group Discussion, Key Informants' Interview and Case Studies in order to gather information and programme learning's. The detailed methodologies including the sampling procedure is presented in the Annex B. Following section provides the coverage under each method:

Desk Review: An extensive review has been taken on relevant literature, legal instruments and comparable study reports carried-out in Bangladesh and in the region. Along with this review of CLS project documents and grantee NGOs project proposal and activity matrix have also been taken into consideration for better insight of the project activities and its qualitative assessments.

Household Sample Survey (HSS): The sample survey covered working areas of 10 CLS round one grantee NGOs, both rural and urban. A total of 1,800 sample households proportionately distributed on grantees beneficiary base covering 21 districts. In addition, this sample survey was carried on 90 ethnic minority households (Hill Tracts – 50 HHs and Plain – 40). Therefore, altogether data have been gathered 1890 respondents through personal interview method.

FGD and Key Informant Interview: A total of 18 Focus Group Discussion (FGDs) and 16 Key Informant Interviews (KIIs) were conducted using semi-structured checklists with diverse population groups to generate in-depth understanding of CLS context and develop a comparative scenario.

Case study: A total of 7 case studies have been conducted to draw insights and lessons from the project. Among others, they included PIL cases on Environmental Issues - approached by BELA, a grantee NGO.

1.4 Data Triangulation

CBSG resolved to adopt multiple yet interrelated methods to derive information and data required to assess progress against benchmark situation in the CLS project locations. Essentially these methods bolstered the rigor and authenticity of the study findings. The survey team had the scope to triangulate data gathered from different sources and assess their convergence. CBSG consultant team has assembled the results of HH Sample Survey, FGD, Key Informants Interview and Case Study to make comparative analysis and triangulate among the data sources to draw synergy.

1.5 Limitations of the Survey

The survey did not encounter any major limitations as it was carefully designed and conducted. However, only the major challenge the research team encountered was with the analysis and compare of two sets of data from baseline and the endline respondents. There has been some shift of CLS implementation locations and possibly target beneficiary from the baseline respondent groups.

In order to address this issue, research team found two matching data set comprising 1164 respondents. We have made through consistency check using the matching data set and found them true representation of survey findings.

1.6 Organisation of the Report

The survey report starts with an Executive Summary along with main findings, changes, lessons conclusion, and policy implications followed by several chapters. The chapters with the summary of contents are described below;

Chapter 1: Introduction includes introduction and background briefly describes about the project, study objectives and rationale, methodology, sample design and limitations.

Chapter 2: Socioeconomic Profile portrays the socioeconomic profile of the various types of respondents covered under the study along with demographic information of the respondents.

Chapter 3: Perception on Legal Issues and Remedial presents the perception of the respondents about law and legal service providers. It included respondents' general perception about civil and criminal incidents in the community as well as legal redress practices in the community at large.

Chapter 4: Awareness and Skills on Legal Systems depicts an analysis of respondents' knowledge and understanding on legal service providers, followed by a section describing knowledge and experience of respondents (and household) on legal aspects regarding selected family disputes, VAW, DV, and common criminal incidents as well as their justice seeking behavior.

Chapter 5: Legal Issue and Remedial (Formal and Informal) presents an analysis the prevalence and justice seeking behavior of complainants as well as their confidence and satisfaction on legal redress. Proponents and barriers of legal uptakes, role of NGOs and government agencies are also discussed.

Chapter 6: CLS Special Interest Areas describes CLS roles about environmental issues and Justice as well as ethnic minority issues in plain land and CHT.

The report will also contain the following annexes:

- A Terms of Reference of the Perception Study
- B Methodology and implementation
- C Survey Tools
- D All Output Tables

- E Case Study
- F Bibliography
- G Summary Findings and Recommendations

Chapter 2: Socioeconomic Profile

2.1 Introduction

The endline study was mainly focused on the poor, disadvantaged and marginalized section of the population, many but not all are direct beneficiary of CLS programme. Socio-economic characteristics of the sample household were mainly derived from the quantitative survey conducted on 1800 HHs. Among 1800 sample HHs, basic characteristics of 1,164 HHs matched with the baseline sample respondents and hence, for comparison with baseline, this report used findings of those 1,164 HHs only. It covered basic demographics, economic, and social attributes of the respondents and the households. The study strived to compare, assess and analyse fundamental changes of the sampled HHs on key indices, which would potentially provide a good evidence of CLS project impact.

2.2 Basic Demographic and Socioeconomic Profile

Respondent by Religion and Area: Majority respondents (80%) were selected from rural areas and the rest (20%) are from urban areas. Overwhelming majority of the respondents (79.6%) is Muslim, followed by Hindu (12.8%), Buddhist (4.6%) and 2.9% is Christian (ANNEX-D: Table 2.2).

Sex and Age: About 36% of the respondents are male and 64% are female (ANNEX-D: Table 2.1). Average age of the respondents is estimated at around 34.1 years (males 37.1 Years and female 33.9 years). The largest group of respondent (34%) was up to 30 years, followed by the cohort of 36-45 years (27%), 46-56 (16%), 31-35 years (16%) and 56 to above (17%)(ANNEX-D: Table 2.3).

Household Size and Headship: Average Household (HH) size is found at 4.46 persons, which corresponds to the national average (4.68). The male-female ratio was found at 49.3: 50.7, closely resembles national sex ratio (50.06:49.94). About 89.3% HHs is male headed while 10.7% is female-headed. (ANNEX-D: Table 2.4).

Marital Status: Majority of the HH Heads (93%) are married, 4%, 2% and 1% are widow, unmarried and divorced/separated respectively (ANNEX-D: Table 2.5).

Main Occupation of HH Heads: The study team has found more than 26 types of primary occupations of the HH Heads. Major occupations are- Farming (own/share) (18.9%), small/petty business (16.8%), non-agricultural labor (15.1%), private/public sectors job (10%), rickshaw pulling and house wife (5%), big business (4%), motorized transport worker, self-employed, fishing and others (each 3%). A handful of HH heads are found to be-begging, unemployed, domestic aid, tailoring, mechanic etc. (ANNEX-D: Table 2.7 gives the details).

Income: Average monthly income per HH is estimated at around BDT 9,272. In rural areas, the average income is estimated at BDT 9,043 compared to BDT 10,187 in Urban HHs. (ANNEX-D: Table 2.8).

Membership with CBO/NGO: Around 56.4% Households have association/membership with local CBOs/NGOs, lower (54.1%) in urban and higher (56.9%) in rural areas (ANNEX-D: Table 2.11).

Chapter 3: Perception on Legal Issues and Remedial

3.1 Introduction

This chapter describes the legal issues with focus on Human Rights and Rule of Law in the country vis-à-vis in the study area, relevance and appropriateness of the CLS interventions in this regard, overall prevailing crime, civil dispute and legal situation with frequency, comparison among common attributes (wherever applicable), and remedial practices /behavior. Both qualitative and quantitative findings are used in analyzing the findings. A matrix containing simple definition/clarification on the legal terminologies used in the report is also given in this chapter.

3.2 Legal context and the CLS programme Interventions

Despite impressive achievements in various fields and steady economic growth, Bangladesh still experience persistent level of poverty and remains one of the poorest countries in the world, ranking 142nd out of 188 countries in the UNDP Human Development Report (2015). The HIES 2010 found that the Gini coefficient³ for Bangladesh, which is a summary measure of inequality, has a value of 0.31 indicating high inequality in income distribution. Bangladesh also suffers from weak governance and limited government capacity to deliver basic services. Access to justice, respect for the rule of law and knowledge of human rights as well as legal rights are also generally acknowledged as inadequate. More specially, there are deficits/gaps in the community about awareness on human rights and legal rights, both in rural and urban that includes but not limited lack of awareness, knowledge and information as well as citizen-friendly legal system and service providers and inadequate/ineffective enforcement of laws/policies.

Bangladesh has established the National Human Rights Commission for promoting and protecting human rights in 2008 further reconstructed in 2009. It is committed to the attainment of human rights in a broader sense, including right to life, dignity, worth and freedom of every human being, as enshrined in the Constitution of the People's Republic of Bangladesh and different international covenants, conventions and treaties to which Bangladesh is a signatory. In addition, many NGOs/CBOs are also working in the field of legal rights in different parts of the country. Community Legal Services (CLS) project is a DFID project that supports local NGO initiatives to provide legal services to the disadvantaged and marginalized groups across the country. CLS key interventions as mentioned below are therefore found to be appropriate and effective, but not yet adequate.

- Legal Information and Advice; ● Mediation; ● Litigation Service
- Referral to Legal service providers, and ●Public Interest Litigation (PIL)

Legal Information pertains to general information that may apply to one or a set of persons similarly situated, that would help them in their quest for access to justice or a dispute resolution. This includes the collection of information that is necessary to pursue a particular case.

³The Gini Coefficient is widely used to measure the disparity between the least poor and poor in a country.

Legal Advice means a specific course of action that is provided by a qualified lawyer or professional in relation to a specific case that is requested by a person or victim. The advice can relate to litigation, mediation or any other legal course of action. This advice can be given directly to the client in person or through e-mail, mobile phone or any other means.

Mediation⁴: The mediation proceedings of each organisation are different; however, CLS grantees mainly conduct two types of mediation—community based mediation and mediation facilitated by NGO staff/lawyer.

Snapshot on CLS

- The CLS interventions aim to provide greater access to justice to the poor, marginalised and socially excluded communities in Bangladesh. Its overall objective is to improve the quality and coverage in Bangladesh, build sustainability into CLS programme interventions of potential grant partners, and encourage and create an enabling environment for legal services NGOs and community-based organisations to coordinate their activities for improved delivery of CLS to the target beneficiaries.
- Main activities of CLS to achieve the objectives include- Provide Legal Information and Advice; Mediation; Referral to Justice Institutions and Litigation Services including Public Interest Litigation.

Litigation Services are provided when mediation fails or the matter is non-compoundable and cannot be mediated, or by its very nature, has to be filed in court. When mediation fails, generally with the consent of client the mediation unit transfers the file to litigation unit/panel lawyers if applicable or the case is referred to DLAC or other legal service providers. It may also happen that after the initial interview, by the very nature of the case, the parties may proceed to litigation. The main criteria to provide legal aid through litigation is – poor/less-monthly income, disadvantaged, represent any minority/vulnerable community, women and children; however, at this moment, CLS partners are flexible in the cases of domestic violence, custody of children, gay-lesbian cases, writ petitions considering socio-legal perspective of the clients.

Referral means that a case is passed on or linked with any other organisation, outside of the base organisation’s own staff or resources. Referrals are made to different legal service providers such as Village Court, Arbitration Council, District Legal Aid Committee (DLAC), Govt. or NGO lead Shelter Homes, Victim Support Centre (VSC), One Stop Crisis Centre (OCC), Police stations or any other NGOs or private organisations that provide necessary services for victims, such as BLAST, BNWLA, Mohila Parishad, BELA, ASK and others. The key requirements for referral are an agreement or MoU with Service provider, referral slip, complaint summary and follow-up mechanism. Referrals are in many cases a key part of ensuring that the clients have access to the full range of services that would assist them with the resolution of their legal need/dispute.

CLS ensures that its partners do not act beyond their competence to provide services, for instance, where specialist legal advice is required or a case needs to be taken forward to a higher court by an expert organisation. CLS standard requires its partner NGOs to develop a

⁴Mediation is an extension and elaboration of the negotiation process. Mediation involves the intervention of an acceptable, impartial, and neutral third party, who has no authoritative decision-making power, to assist the parties in voluntarily reaching their own mutually acceptable settlement of issues in dispute. Mediation is a voluntary process, which leaves the decision-making power in the hands of the parties, and the parties must be willing to accept the assistance of the mediator.

Referrals Policy and Procedures. All staffs working directly with the clients are trained in the policy and procedures and in particular circumstances where referral is appropriate. Records of all referrals need to be kept, which also should include the clients' feedback.

3.3 General perception on Crime and Offensive Situation

Like any other place, Bangladesh also experiences various types of crimes and offenses. Most common ones are: Child Marriage, Dowry, Domestic Violence, Land Disputes, Theft/Robbery/Extortion/Fraud/Cheating, Physical/Mental torture, Family disputes and Polygamy. In addition, there are other legal issues at the society such as oppression on minority, Labor rights, Child abuse (including corporal punishment), sexual harassment, Rape, Torture by Law Enforcing Agency, Murder, Fatwa (related punishment), Disappearance/Missing and Kidnapping/Trafficking. People's perception on crime and offence situation may not provide an accurate account of the incidences but this provides a general pattern of disputes and prevalent conditions.

According to people's perception, there is an improvement in the general crime and offence situations in the community. It suggests that in most occasions, the rate of incidence has fallen compared to the baseline. In the analysis, we tried to limit to the most frequent legal disputes as mentioned by the respondents. According to FGD participants, most frequent civil matters are land related disputes, which includes ownership, inheritance, distribution, trespasses, divorce, dower, maintenance, custody/guardianship etc. Most of the participants opined that, land related disputes are on the rise while divorce, dower and maintenance are reducing. Community awareness, higher level of education and economic solvency helped while increasing land price triggering land related disputes.

Land Disputes: Due to rapid growth of economy and population, the pressure on and demand for land has been increasing rapidly, so is the value of land, resulting in conflicts on land within the members of family (siblings) and outside family (in-laws family, neighbors and others). For religious minorities, most of the land related problems occur due to inheritance of property and its distribution, and attempt to trespass by local land grabbers, influential people etc. Ethnic communities of plain land and of hills, also face land related problems. Ethnic communities in plain land also face conflicts due to lack of implementations of the State Acquisition and Tenancy Act, 1950 coupled with attempts towards grabbing by greedy/influential people from the plain land. In contrast, ethnic communities of Chittagong Hill Tracts suffer the problems of land ownership mainly caused by the influx of Bengalis to the CHT, their attempts towards settlements over there and legal/illegal land grabbing. As far as perception on land disputes is concerned, it is one of the frequently occurred incidents in the community as opined by the respondents and it showed an increase over baseline. During the baseline, only 6% of respondents highlighted land related disputes, a figure which is 8% in the endline. Evidently, land issues are more prone in rural areas, South and CHT region (ANNEX-D: Table 3.1, 3.1 a, & 3.2).

Domestic Violence (DV) and Violence Against Women (VAW) in the form of rape, physical and mental torture, dowry, child marriage and polygamy etc. are still persistent but perceived to be reducing in recent time. The improved situations are attributed to the various awareness-raising programs of GO-NGOs like rally, courtyard meeting, public hearing, group discussion, cultural shows and legal literary sessions. In contrast, sexual harassment and stalking are increasingly evident in the community as mentioned in FGD. They claimed that lack of proper education, moral degradation among a section of the

youth, influx of foreign media, as well as inappropriate socialization were said to be the main reasons. However, the nature and trends of VAW found similar among the religious minorities and ethnic communities in comparisons with mainstream community. Drug addiction is also increasing throughout the country including ethnic communities. In addition, oppression against minority rights and labor rights, child abuse, corporal punishment, torture by law enforcing agency have emerged as important legal concerns. Media tracking by various rights organisations support this perception and so does the police crime statistics.

Dowry: Dowry is reportedly one of the most common criminal offences perceived by the respondents. It seems that the intensity of dowry has reduced as only 16% respondents opined it as frequent as oppose to 20% during the baseline (ANNEX-D: Tables 3.1). Incidence and real notion of dowry is sometime misinterpreted and also avoided in discussion. It is very much persistent in the society and remains a major community legal issue. Although illegal dowry continues to be demanded and paid and leads to serious abuse, even death, reasons behind dowry can be attributed to:

- If it is not given, it will not be possible to keep the marriage continuing.
- Given for the happiness of the girl/bride.
- Ensuring marriage to a suitable man and/or a 'good' family.
- Pressure from the husband and his family.
- Since it is a widespread practice, no one thinks of it as illegal practice.

Respondent's perception about existence of dowry as a criminal offence in the community is slightly higher among female, urban area, educated, poorest and much higher among north region (ANNEX-D: Table 3.2).

Domestic Violence: Domestic Violence is generally perceived to be very high in Bangladesh and found to be either static or on the rise though our (quantitative) survey figure shows it very low but an increasing trend—against some 2% in baseline, the endline figure is estimated at some 8% (4 times higher). The rate is much higher, as reported by the respondents, in urban areas, North Region and among Poor (ANNEX-D: Table 3.1-3.2). The perception is still low about the domestic violence due to reluctance of community people. In addition, some of them remained quite in reporting such incidents by disclosing personal matters to others and perceived it as normal phenomena.

Child/Early Marriage: Early marriage (before 18 of girls and 21 of boys) denies girls from their rights to make vital decisions about their sexual health and well-being. It forces them out of education and into a life of poor prospects, with increased risk of violence, abuse, ill health or even early death. The early marriages, particularly of girls, are conducted through using fake birth certificate/National IDs and sometimes without using any document, particularly convincing or managing the marriage registers (*Quazi*) and concerned officials or local representatives or without the knowledge of them.

Though, according to perception of the respondents of quantitative survey, the early marriage is not a big concern (only little 7%), other sources including our qualitative survey confirm that it is a big concern of the country. Despite being prohibited by the law and efforts by government and many NGOs, millions of under aged girls are married

**Early marriage is still a big concern.
Families use fake age documents.
Aeysha Begum, Mediator**

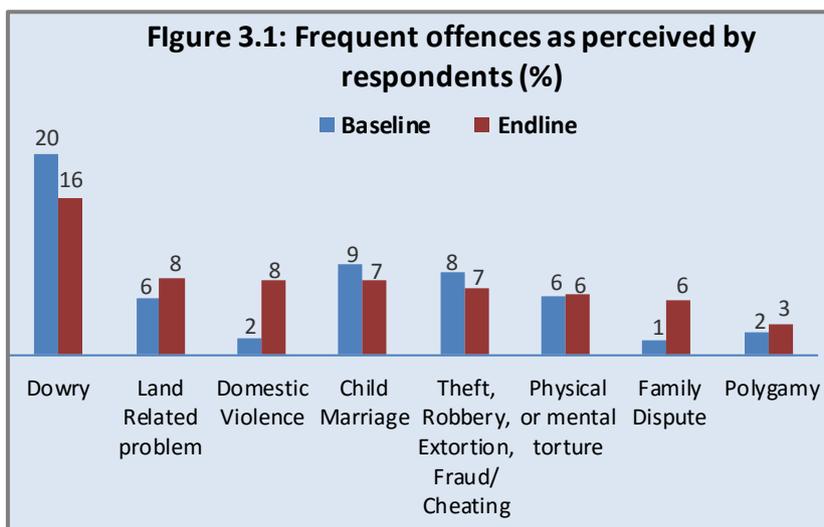
every year. According to MICS of UNICEF, 2015 about two-thirds of girls are married before they turn 18.

Theft, Robbery, Extortion and Fraud/Cheating: According to the respondent's perception, these crimes are prevalent in the society but remain static in frequency and intensity. In baseline and endline study, only 7% respondent termed this as a frequent crime in the community. FGD participants opined that there is no major deterioration of law and order situation in the community and that people in general do not feel insecure and threatened. However, occasional incidents happen here and there. It is more frequent in urban areas and in the Northern Region of Bangladesh.

Physical and Mental Torture: the respondents also identify Torture, both physical and mental, as legal concern. Close to 6%, with little higher in endline, informed it as a concern/offence in the community. Perception on existence of such crimes/offence appeared to be much higher (three-fold) in urban areas compared to rural (ANNEX-D: Table 3.1).

Family related dispute: Family related disputes are also common concern though it is perceived to be a less frequent offence by the respondent, which is on the rise in recent time. There is a growing awareness that a good number of family related disputes are actually crime even if occurs within the boundary of a family. This is reflected in the study that 5.5% respondent consider it now as frequent issues as oppose to only 1.5% during the baseline. In reality, actual incidences have not gone up so dramatically but people's perception wise, more incidence are happening now. Therefore, majority of the family related disputes are no longer treated as trivial matter that does not have legal consequences. This is a positive achievement though the numbers may look unusual.

Furthermore, family related disputes are identified relatively more by respondents from urban area (almost double of rural area) and Northern Region (ANNEX-D: Table 3.1).



Polygamy: Polygamy is the practice wherein a man has more than one wife at the same time. It is identified as a big concern in the community. Both methods (quantitative and qualitative) suggest that it is prevalent in the society and found to be slightly increasing. Against 2.2% in the baseline, as per our sample survey, it has now increased now to 3%. In northern zone, it is higher

than other regions and much higher in urban areas against their comparison groups (ANNEX-D: Table 3.1).

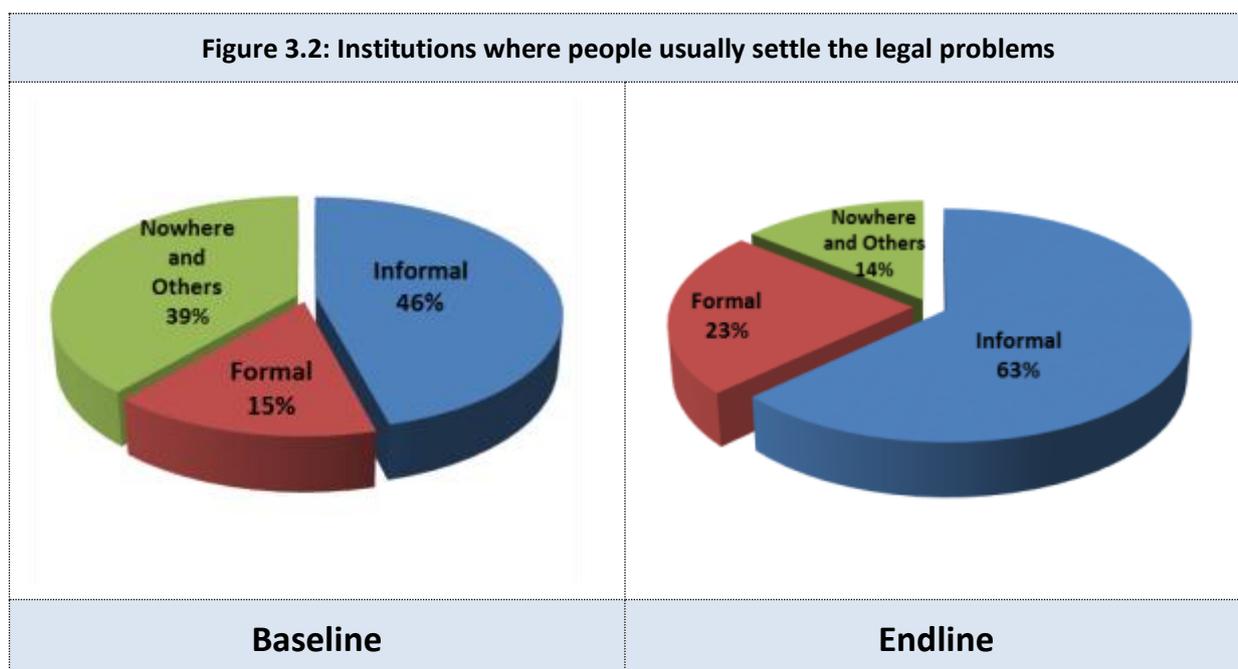
3.4 Perceived Legal Uptake Measures

Justice seeking behaviour as perceived by the respondents gives a general overview where people tend to lodge complaints and seek remedies. This may provide a general trend of justice seeking behavior, complainant's preference and confidence on specific legal service providers and so on. Many of the respondents actually do not have the experience yet they share their perceptions. Key choices for selection of legal service providers are proximity, cost, familiarity with the agency and acquaintance with any persons concerned etc.

The formal justice system where the people visits for justice in order of preference are: Court, Police Station and Village Court, while informal systems are: Community/Family, *Salish* by local leaders (Religious and Indigenous), *Salish* by local Representatives, *Salish* by Community Group, Local NGOs, Government Legal Aid (DLAC/ULAC), and Lawyer.

According to the respondents' opinion, 23% visit formal justice systems, 63% informal legal service providers and remaining 14% do not visits anywhere. They believe, only a handful number of physical and mental torture victims go to legal service providers for redress. VAW issues are deep rooted in the community but disclosure is still in minimum level and most of the cases are either suppressed or resolved within family or through force.

As far the formal legal service providers are concerned, respondents opined that majority of the complainants go to police station, while some respondents mentioned about village court. Among informal institutes, *Salish* by local representative is mentioned highest followed by Community/Family-mainly for domestic violence (51%), physical/mental torture (46%), dowry (29%) and land disputes (28%), CLS Partner NGOs-basically for family related disputes (47%), dowry (33%), child marriage (33%), Traditional *Salish* by Local Religious/Indigenous Leader and very few to Government Legal Aid and other Lawyers (ANNEX-D: Table 3.3-3.4).



There is a significant improvement in legal service seeking behaviour in the community as acknowledged by the respondents. According to the endline study, 23% respondents opined that people go to formal justice system for legal remedy while 63% opined that people to go informal dispute resolution system. Thus, more respondents acknowledged that people are

now going to formal and informal legal service providers for remedy while far less respondent opined that people did not seek any remedy, these trends showed significant deduction (19%) from the baseline (Figure 3.2). Still there are barriers that prevent people from legal service seeking behaviour, which include but not limited to the following:

- Do not know what to do and/or where to go,
- Do not know which is the best place for seeking justice,
- Cannot afford the cost of legal service (court proceedings) because of poverty,
- Do believe that fair judgment is not delivered anywhere,
- Time consuming and prolonged process,
- Consider it is a complicated and uncomfortable process,
- Consider it as a matter of prestige and going for justice may hamper their reputation.

We may find both qualitative and quantitative change in respondents' perception as they are more immersed with the CLS programme and exposed to the evolution in the community legal service seeking behaviour and justice delivery structure. We will see later in the report that there is close relation between people's perception and practical reality as far as local justice system and available remedies are concerned. In other words, the perceived notions of the people surveyed are very much a true reflection of ground reality.

Chapter 4: Awareness and Skills on Legal Systems

4.1 Introduction

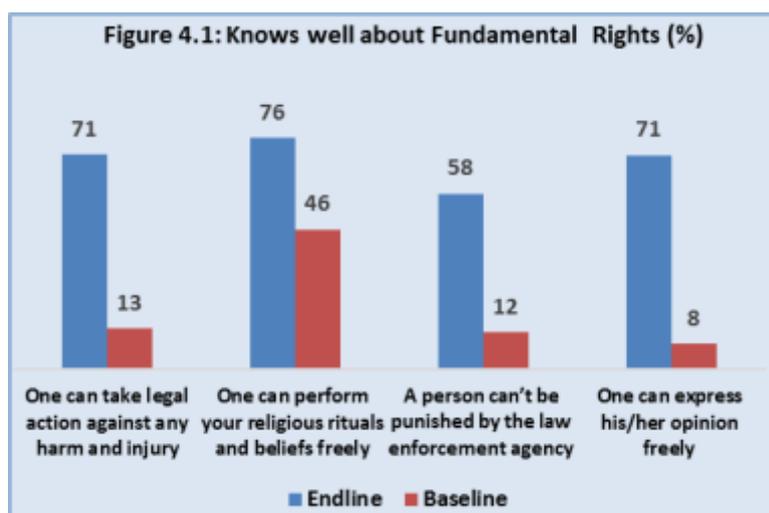
This chapter attempts to assess the awareness of the sampled interviewees on fundamental rights and their basic knowledge on legal issues (including knowledge on and experience to access to justice). Like in other chapters, comparative analysis is done between baseline and endline studies on selected attributes.

4.2 Knowledge on Fundamental Rights

Constitution of Bangladesh guarantees fundamental rights to equality before the law, and for citizens to be treated in accordance with law. It guarantees, among others, protection of law that the citizens and the residents of Bangladesh have the unchallengeable right to be treated in accordance with law. The Constitution further guarantees the right to seek judicial remedies for violations of fundamental rights. Therefore, knowledge on fundamental rights is key to the realization of entitlement and basic rights as citizen. CLS awareness raising programme attached special attention to this, which is evident in the endline study as below:

knowledge on fundamental rights, human rights and legal rights as well as experiences to settle the above mentioned legal issues, have largely raised compared to the situation during inception of the project. This is mainly because of increased implementation of programs by NGOs, special projects like CLS and government. The common interventions include among others courtyard meeting, group discussion, awareness rally, public hearing, cultural shows and legal literary sessions. Besides, people are also getting information on legal affairs through local leaders, media (print and electronic), leaflet, general discussion from tea stall. In terms of experience, they are now becoming more familiar with the method of lodging FIR, registering GD, complaining Arbitration Council, Village Court etc.

The following four fundamental rights guaranteed by the Constitution of Bangladesh were considered and awareness was measured among the respondents:



The endline survey found that knowledge about fundamental rights has enhanced among all categories of respondents. Compared to the baseline, more people are now aware about at least cited fundamental rights ensured by the constitution of the People's Republic of Bangladesh. The important findings about the changes over two periods are mentioned details in ANNEX-D: Table 4.1.

Generally, moderate to major differences are noted when the data are disaggregated by attributes. For example:

- Men still have higher level of awareness on rights compare to female but greater improvements have been noticed among the female due to the fact that CLS awareness programme mainly targeted female. It results reduced gender gap in awareness levels.
- Except the provision of a person cannot be punished by the law enforcement agency until it is proven by a court through a fair trial, interesting rural respondents were found well known all the selected provisions (under the study).
- Generally, north and south regions (with reference to central, east, and hill areas) appeared more knowledgeable.
- Educated persons are found relatively are aware about the issues/rights.
- Likewise, beneficiaries (compared to non-beneficiaries) are in the front seat so far knowledge is concerned.

4.3 Knowledge about Family related Legal Rights

Disputes in relation to family related legal issues are on the rise as various previous studies show. CLS awareness raising programme have attached special attention to create more awareness on family laws. The study found that improvements have happen in awareness on family related laws but not sufficient. Respondents legal awareness has been measured against two categories i.e. know and do not know. Prior to the project, none was found to have a comprehensive understanding on family laws, which has increased now - a many fold increase but not enough yet. However, people having awareness on family related legal rights have increased and people with no or inadequate knowledge has reduced significantly. In urban areas, about 93% and 90% are familiar with the divorce and dowry related legal rights, while in rural area these are 87% and 85% respectively. Still male are more familiar in divorce (91%) and dower (88%) related rights than female. However, female are more aware in maintenance, guardianship and child custody related than of male (ANNEX-D: Table 4.2).

4.4 Knowledge about Violence against Women (VAW)

VAW is an especial interest area to assess gender situation in a society. Bangladesh government has enacted law in 2000, which has amended several time to protect women from violence. CLS has also attached special attention to VAW in its awareness campaign. Awareness level has been measured against the ability to comprehend the law and related punishment clauses. Prior to the project, there was almost none to have a comprehensive understanding on the law, which has improved a lot ranging between 78% to as high as 98% based on various legal sections of the law. Respondents found to have relatively more aware on child marriage (98%), dowry (98%), and physical torture (94%). However, changes in awareness level are significantly noticed at stalking/eve-teasing, sexual harassment and polygamy related legal issues (ANNEX-D: Table 4.3).

From CLS drama session, I now know that every person involved in child marriage should be punished.

- Mr Jahangir Alam- CLS beneficiary

4.5 Knowledge about General Crimes

CLS programme does not attend general crime related cases and mostly refer such cases (if any) to other legal service providers along with DLAC. Specific crime related issues get much less attention to its legal awareness programme. Therefore, study tried to assess people's legal understanding on some of the general crimes that occasionally occurs around such as child abuse, theft, robbery, affray etc.

The study results showed an improvement in legal understanding on general crimes. CLS beneficiary are found to have higher level of legal knowledge than the community people do. According to endline survey, 98% respondents were aware on crime related to murder, 99% about theft, and 97% about robbery. Child abuse, trafficking and abduction related general crimes took more changes in awareness level to the community people (ANNEX-D: Table 4.4).

4.6 Knowledge about Laws in daily life

There are many situations that every citizen come across in their daily life that have a legal ramification such as marriage under 18 years, teacher punishing students, husband's denial to pay dower and so on. The study has tried to assess people awareness on as many as eight such situations that have specific laws. The study revealed that:

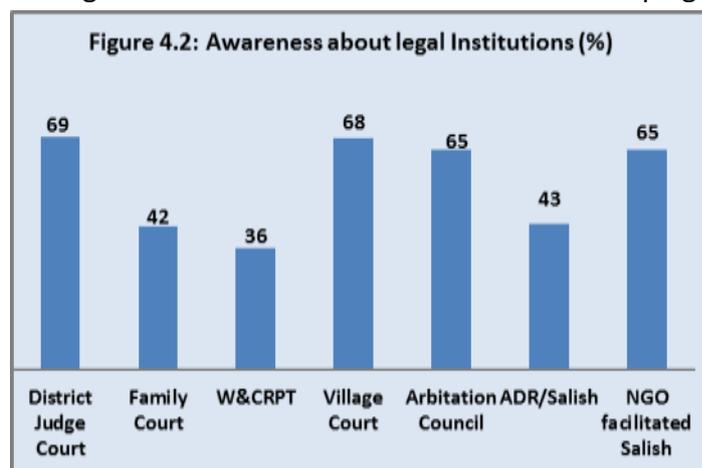
- 54% people know that husband must pay the dower money
- 97% respondent know that minimum age for girl's marriage is 18 years
- Respondent know that Salish cannot settle criminal cases like rape (75%), acid throwing (83%) and murder (89%)
- Only 52% respondent know that corporal punishment in school is prohibited,
- An astonishing 96% now know that giving and taking dowry are both punishable offence
- 58% respondent that police cannot keep a person in their custody for more than 24 hours.
- Only 44% respondent know that any kind of torture in the name of FATWA is punishable,
- 78% respondent know that marriage and divorce registration is mandatory

In all cases, significant improvement has been noticed prior to the CLS project. In that, CLS communication and awareness campaign has helped people know some of the basic laws required in daily life. Improvement is much prominent among CLS beneficiaries who actively participated in awareness event. However, an improvement is evident with less degree though to the general community as well (ANNEX-D: Table 4.5).

4.7 Knowledge about Legal Service providers

In Bangladesh, legal issues are settled through a broad range of legal service providers, which are essentially divided in two broad categories: Formal justice system and Informal dispute resolution process. Formal justice system is run by the state while informal are often run by citizens but in some cases have legal bindings. All types of courts are part of the formal justice system while ADR and traditional mediation practiced among ethnic communities are part of the informal dispute resolution process. Now, NGOs are also facilitating (under CLS and other projects) local mediation services. In order to seek appropriate legal remedy, understanding about the justice system is very important.

CLS has tried to familiarize community people with the existing legal system of Bangladesh through the communication and awareness campaign and positive result have been noticed.

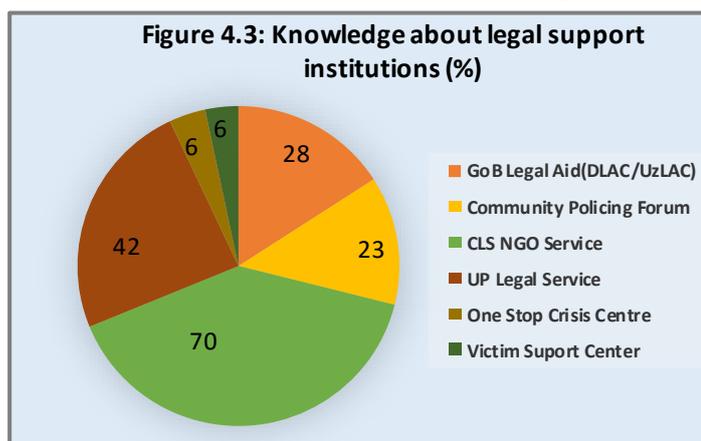


In the study, awareness levels have been measured on a scale of 4 which has been then compiled into either know the systems or not. Following diagram shows the existing level of awareness of formal and informal legal service providers. It is worth mentioning that a large section of people who said 'know' about the system have only a partial understanding of the system, only a handful responded could actually explain the system in length though

marked improvements have been noticed (ANNEX-D: Table 4.6).

4.8 Knowledge about Legal aid and services organisations

Government and NGO provide legal supports to citizens through the various initiations/arrangements/service providers. Awareness about the above legal aid and services organisations was generally very low in baseline and situation has now improved a lot. CLS NGO service (70%) and UP legal services (42%) are now most preferred option by community people which took noticeable changes over baseline. Still victim support center and one stop crisis center are less favored option for the community people (ANNEX-D: Table 4.7). By and large, males, educated, rural area, East Region and CLS Beneficiaries are better known compared to their counterparts (ANNEX-D: Table 4.8).



4.9 Knowledge about NGO Legal Aid Services

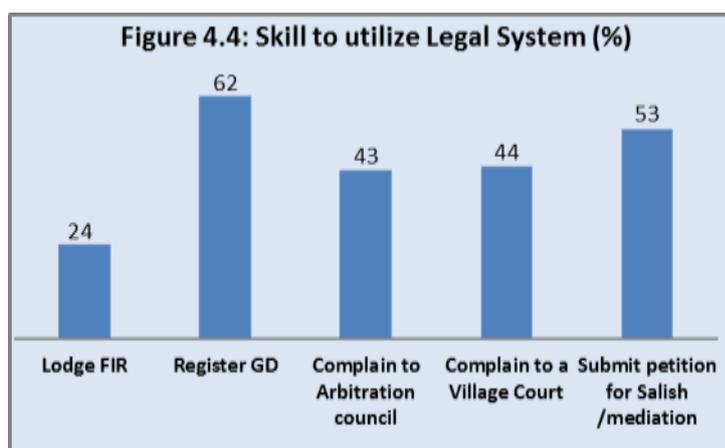
CLS is providing legal aid services through its partner NGOs. In addition, there are other local NGOs, which also provide legal aid services. The study tries to assess people's knowledge of NGOs' legal aid services. This shows that about 74% respondents are familiar about NGOs that they provide legal aid services - 97% among CLS beneficiaries and less than half among other community people. Before CLS, only 6% people knew about NGO legal aid service (ANNEX-D: Table 4.8). As far as specific NGOs' legal aid services are concerned, 95% people are familiar with NGO Legal advices, 34% counseling and 20% financial support. Some people also know that NGOs help poor and disadvantaged people defending their cases in respective courts (ANNEX-D: Table 4.10).

4.10 Familiarity of CLS in the Community

CLS project is implementing its activities through NGO partners/grantees. Therefore, CLS project is now synonymous to the partner organisations, which are very evident in the study findings. According to the study, nearly 70% of respondents are familiar with the CLS intervention in the community. People of rural community (72%) are more familiar while around 58% in the urban community know the programme and the partners (ANNEX-D: Table 4.11). Familiarity in among the female is much higher (73%) evidently more interactions and services are dispensed them. Local community groups, field worker movement, campaign and awareness programmes have made equitable contribution to raising familiarity and awareness on CLS and its partner NGOs. On the other hand, about 70% people now know about the activities of CLS partners' organisation. Now female (74%) are more familiar about the CLS partner NGOs than the male (ANNEX-D: Table 4.12). This justifies CLS service focus to the women.

4.11 Basic Experience to Access to Legal System

Experiences to access legal system is important for seeking legal services. This allows the complainant make informed decision and give them liberty and choice to seek and access



available legal services. CLS have provided training and awareness raising messages to develop basic competencies to make legal decisions and act on that. There have been marked improvements on key legal expertise development like FIR lodging, GD registration, complaining to Arbitration Council, Village Court - from almost nothing (which was at base line) to between 24% and

62%. This provides a good legal basis and benefit from legal proceedings (ANNEX-D: Table 4.13)

4.12 Source of Legal Information

CLS communication and awareness campaign work out as the most dependable source of legal information to the respondents. In addition, local leaders (77%), various TV programme (41%) and victims (32%) have helped to learn about various legal issues and service providers. Community level discussion forums are also effective means for awareness raising such as tea stall meeting (23%), community shows; folk-drama (22%). CLS used a variety of communication media to disseminate relevant legal information at the community levels. CLS project staff, paralegal professional and community volunteers played the leading role to disseminate information. Local leaders traditionally feed legal information and they continued to play significant role even now. However, dependency of getting information from local leaders has reduces from the baseline. In addition, various communication campaign like courtyard meeting (56%), leaflet (40%) etc. played major role in community level awareness rising (ANNEX-D: Table 4.14).

Chapter 5: Legal Issues and Remedial

5.1 Introduction

Among others, this chapter deals with types of legal service providers in place with contributing factors and barriers of the system, legal problems/issues and legal service seeking behavior/ justice system etc. with trend and comparison by attributes. Assessing the roles of NGOs respect of legal aid services is also included in the Chapter.

5.2 Prevalence of HH level Legal Issues

The study took an in-depth account of the legal issues and problems families encounter in the last two years that include: **family related legal issues, fender and violence against women (VAW)**, and **general criminal offences**.

Overall, no change is evident in legal dispute scenario. The study found that about 38% respondents HHs have encountered one or more legal issues in the last two years which was almost same (37.5%) during the baseline (ANNEX-D: Table 5.1). VAW constitutes the majority of legal violations followed by general crime and family/civil matters. Legal issues related to VAW have reduced mainly due to community level action programmes and evolution of women leadership as reported by the most of the FGD participants. Cases of unreported VAW incidence still remain high in comparison to other issues.

Civil and family matters including land and family related issues are on the rise - from 6% to 10.1% in the last two years (ANNEX-D: Table 5.1 a). Inheritance has evolved as a major legal issue at the community level even in poor and marginal families where land holding is generally low. High price and scarcity of land lead to create many family conflict and results in legal disputes.

General crime has reduced significantly over the last two years from 11% to 8%. VAW incidence has reduced from 33% to 29% HHs. Incidence of family disputes and land related civil matters are on the rise in recent time. About 10% families have reported this incidence in the last two years, slightly higher in urban areas. Increased awareness and access to legal aid service among the CLS beneficiaries have helped them to recognize and report legal violations while others do not either recognize pertinent issues as legal violation or encourage to report. Only 4% non-beneficiaries reported any family related legal incidence at the same time period. Therefore, higher rate of legal issue among CLS beneficiaries provides a much accurate revelation of community situation (ANNEX-D: Table 5.1 a).

Petty crime and violation against women has come down, but land disputes are on the raise
- A Male FGD participants, Barisal

5.3 Justice Seeking Behavior

Notwithstanding of high rate of legal disputes, access to justice remains dismally low even though significant progress has been achieved over the last two years. Still 57.2% do not claim their legal rights, a reduction from 73.4% (ANNEX-D: Table 5.2).

An important qualitative improvement has occurred in legal service seeking behaviour as noticed in the survey. Now fewer people are seeking remedy for their legal disputes within the family or community, which are generally flawed. Access to formal justice system has

increased though not significantly. That said, major improvements of legal service seeking behaviour have resulted from increasing number of people resorting to NGO facilitated *Salish*. Overall, people's access to quality legal service is improved but yet inadequate.

The study has tracked settlements of legal issues over the last two years. It revealed that there is an increased trend of settlements of legal issues in recent time mostly through NGO facilitated *Salish*, which now account for almost 33% dispute settlements. Most of the FGD respondents reported that a significant change is evident over the role of traditional leaders who use discretionary power to impose their decisions arbitrarily in the name of justice. That has changed and their role is receding fast as NGO led *Salish* process establishes - taking out the vested interest group from community level traditional justice system. This has made a qualitative change in local level dispute resolution system. During the baseline, 61% legal issues and complaints remained unresolved and pending with both informal and formal legal service providers which has come down to 22% during the endline study. About 33% legal issues are resolved through NGO *Salish*, which was non-existent before. It is the single most important reason for significant reduction of pending legal issues and complaints. It is to be noted here that only a small number of legal issues and complaints are turned into formal court proceedings.

In addition, there has been an improvement to the acceptance rate on legal decision/resolutions especially those are made through *Salish* or ADR. Thus, less and less people are taking *Salish*/ADR resolved cases to formal courts or filing litigation (ANNEX-D: Table 5.3).

As discussed earlier, there are two types of legal service providers—Formal and Informal both are in place, though not adequate, for settling the legal issues. When encountered the problems related to family, VAW and general crimes, some people chose one or more legal service providers for seeking services. For instances they mostly go to CLS grantee NGOs (26%), community/family members (24%), Local Elected Representatives (12%), and courts (8%) to settle the problems (ANNEX-D: Table 5.2).

Traditionally, community people resolve majority of their civil and family related legal issues such as dowry, maintenance, polygamy, family related disputes by local leaders and elected representatives, arbitration council and *Salish* facilitated by NGO or lawyer, while remainders go to formal justice system- mostly district court, followed by police and village court. Still 7% do not make an effort to get legal remedy from any sources or service providers.

We learned from CLS that majority of our legal issues can be resolved locally (*Salish*) and we do not need to go to court.

----A CLS beneficiary

The reasons behind visiting informal service providers are: considered as dependable, family related issues are made less public, cost and time effective, poverty friendly etc. At the same time, there still persists some difficulties to get satisfactory justice from these local service providers—neutrality is not always mentioned, nepotism, threat to impose justice, compulsion to accept the decision, uses of unanticipated punishment (e.g. fatwa) are there, and lastly the justice ensuring processes in informal systems are not always gender sensitive (ANNEX-D: Table 5.2 a).

Except very few, most victims solve the issues related to domestic violence, VAW at their family/community level, followed by CLS NGOs and very few to formal justice system—while a good number of people did not seek justice from any form of legal processes. As far as civil matters are concerned, majority of complainants seek legal remedy from informal legal service providers including NGO facilitated *Salish*. Still 33% seek legal remedies from formal legal system while 6% do not seek any remedy. (ANNEX-D: Table 5.2 b).

Victims of general crimes generally seek justice from formal judicial system - significantly more than VAW and civil matters. Still many victims of criminal offences seek justice from informal way in contradict with law (ANNEX-D: Table 5.2 c).

5.4 Proponents and Barriers to Legal Uptake

The study shows that there has been an increase uptake of legal services in the last two years. Introduction to the CLS project, enhanced activities of DLAC and increasing level of awareness have contributed to the increased level of both supply and demand for legal services for the poor and disadvantaged in particular. Effective demands for legal services are largely depend on the nature and cost of the services, which either facilitate or inhibit demand. The study revealed that:

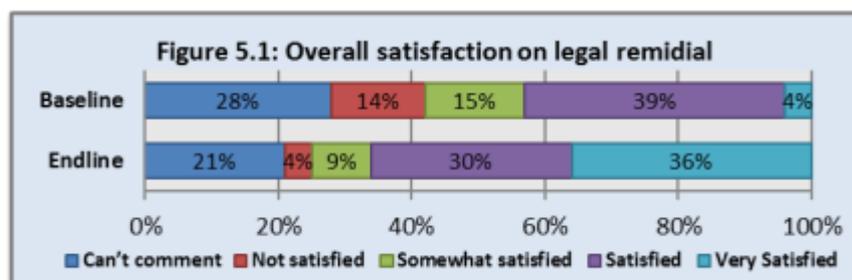
- Formal judiciaries are far away from the community, thus distance is a key barrier to access to justice,
- Local services are much easier to access than formal court proceedings,
- Access to formal court costs a lot and inhibits access to the poor,
- Lengthy court proceedings sometimes discourage people going to formal courts,
- Vast majority of the complainant find no barrier to ADR /*Salish*. Almost no barrier to NGO facilitated. (ANNEX-D: Table 5.4-5.5)

I got justice from NGO mediation and I do not have to pay anything.
BLAST beneficiary, Faridpur

High cost has been a barrier to access to justice. Poor, marginalized and rural people are more affected to pay for court and lawyer fees, transportation and other associated cost.

5.5 Satisfaction on Legal Services

With the increase of legal service uptake, greater satisfaction is noticed among the service seekers. Among the respondents, 270 or 15% have experienced legal settlements over the last two years from various legal service providers- both formal and informal which was 11% prior to CLS project (ANNEX-D: Table 5.6). Therefore, settlement rate has improved with the introduction of CLS programme.



The study has assessed their satisfaction level over the outcome of the legal settlements, which may indicate settlement quality. It shows a significant improvement of satisfaction on remedy. In other words, the complainant better appreciates decisions and therefore, post settlement adherence is expected to increase though no such data was collected in the study. Following graph shows a sharp increase of highly satisfied complainants in comparison to baseline situation. Similarly, proportion of dissatisfied also reduced significantly. One can conclude that judgment quality and acceptance improved significantly over the last few years.

Those who went to any legal service providers for settling civil/family related matters, majority (85%) are happy with settlements/results/remedial, with higher percentage among women (92%), rural (97%), educated (96%), and marginal poor (97%). Overall satisfaction on criminal matters with reference to baseline has increased distinctly (16%) (ANNEX-D: Tables 5.7-5.9). Likewise, satisfaction on settlements of issues relevant to VAW and general criminal issues are also higher (61%). They were generally found happier with the solutions made by local and informal service providers, particularly made through CLS partner NGOs.

NGO provided a variety of services to the beneficiaries to get legal remedy, which include legal advices, mediations, rescue and shelter and assistance in court proceeding. As far as respondents' satisfaction is concerned, satisfied and very satisfaction are coupled as satisfaction level. Hence, more than 80% complainants are satisfied with NGO provided services mainly for legal advice from lawyer (95%) and mediation services at community level (94%). Satisfaction level for support in court cases, rescue and shelter facilities are relatively lower. (ANNEX-D: Table 5.10).

5.6 Role of NGOs in Access to Legal Services

NGOs are playing a positive role to enhance access to legal services with a range of supports and case facilitations. Major roles of NGOs are to motivate the victims to access to justice and provide litigation support, legal advices and so on. According to the study, NGO support is highest to the family related cases where more than 50% complainants received NGO support followed by criminal and district judge court cases. Less than 15% complainants go to village court though it is the closest court to the community who received NGO supports. (ANNEX-D: Table 5.12). NGOs actually motivate local victims for the NGO facilitated *Salish*. NGOs rather mainly refer cases to Village court and Arbitration council with inadequate follow up support. According to the survey, out of 10 reported VAW cases, which have gone to Women and Child Repression Prevention Tribunal, NGOs have provided support to only two cases.

Chapter 6: CLS Special Interest Areas

6.1 Introduction

CLS programme attach special attention to environmental issues and ethnic minorities. Special programme interventions are implemented. This section provides description on both this issues, which are mainly derived from qualitative sources.

6.2 Environmental Issues and Concerns

Bangladesh is prone to both natural and human made (created by humans) environmental problems. Important environment hazards include but not limited to deforestation, deteriorating water quality, natural disasters, land degradation, salinity, unplanned urbanization, unplanned mining, discharge of untreated sewage and industrial wastes. Government enacted laws, procedures and institutions to regulate environment issues though violations of those are rampant and many are on the rise.

CLS has included legal aspects of environmental issues through supporting Bangladesh Environmental Lawyers Association (BELA), which is to address environmental issues at large and work to uphold environmental rights of the people in CLS programme area.

The endline perception study made an attempt to capture perception of people on relevant environmental issues that affect them. Three locations- urban, rural and hard-to-reach areas are investigated on issues like land grabbing, industrial wastage and mining. Detail cases studies are done on each of those issues, which have been analysed and presented in the following matrixes.

Matrix 6.1: Environmental Knowledge, Access to Justice and CLS Interventions

Case	Issues	Local community	Access to Justice	CLS Role	Remarks
Urban Housing Project	Violation of land development rules, Unlawful land grabbing, Offering misleading and deceitful information.	<ul style="list-style-type: none"> - Community people were unaware of environmental issues. - Some people know BELA and few other NGOs. 	<ul style="list-style-type: none"> - Eight NGOs jointly filed a writ petition. - HC issued a stay order to stop all activities. - Evidence provide by NGOs helps HC to declare the project illegal. - Appellate Division stayed the HC order - Leave to appeal petition is ongoing. 	<ul style="list-style-type: none"> - CLS grantee BELA formed collaboration with other human rights and environmental organisations. - Filled a writ petition jointly - At one stage, needs to file a leave to appeal. 	<ul style="list-style-type: none"> - Environmental justice takes long and often difficult to implement. - Community people become target of land grabbers and face harassment and threats.
White Clay mining in Netrokana	Violations of law, rules and regulations on Mines and Mineral Resources.	<ul style="list-style-type: none"> - Local people interact with BELA and appreciates its role but have little knowledge on environment and relevant legal issues. 	<ul style="list-style-type: none"> - A writ petition has been filed. - HC issued a rule and interim order to stop mining. 	<ul style="list-style-type: none"> - BELA made adequate investigative research to get authentic data - Filed a Writ petition. 	<ul style="list-style-type: none"> - Legal and administrative measures alone may not be effective to stop illegal mining. It will need community participation and movement.

Relocation of Tannery Industries	Relocation of Tannery from Dhaka to Savar for Environmental hazards, Violation of the court order.	<ul style="list-style-type: none"> - Collectively raised voice against the environmental hazards. - Approached to BELA for taking possible fruitful measures. 	<ul style="list-style-type: none"> - Filed a writ petition. - HC directed the DoE to mitigate pollution by shifting 903 industries. - HRPB filed contempt petition against tannery owners for violating the court order. 	<ul style="list-style-type: none"> - BELA is regularly consulting with owners, workers, union members and other stakeholders to facilitated implementation of the judgment. 	<ul style="list-style-type: none"> - Ministry of Industry has to take immediate actions to implement the court order. - GOB has to ensure proper waste management, labor rights and safety measures.
---	--	---	---	--	--

It is evident from the above matrix that public interest litigations related to environmental rights demand community mobilization, multi stakeholder approach with sufficient government support to implement any legal outcomes. Violations are done mostly on economic interest and by the powerful business lobbies. Without effective advocacy and community level mobilization, only legal procedures do not bring a realistic outcome. It takes long to get final judgments and then it becomes even more difficult to implement the judgment.

6.3 Ethnic Issues and Justice System

Bangladesh has a small but diverse ethnic population concentrated in various geographic locations. As anywhere in the world, ethnic people have their own culture, tradition and social systems. Legal system is thus an integral part of their social system embedded in the traditional custom and culture. National legal system does have an overarching role, nonetheless traditional governing structure and laws provide the basic legal community level legal framework.

The endline study has made especial attempt to capture and assess community level legal issues and justice system of two ethnic communities, which have received CLS programme support. They are Chittagong hill tract based mainly Chakma and Marma communities and plain land based Santal and Munda communities (ANNEX-D: Table 6.1-6.6.)

In religious minorities, major source of legal issue stem from inheritance and land distribution. Similarly, land related conflict also high among the ethnic community. For plain land ethnic community, land conflicts occur due to lack of implementations of the State Acquisition and Tenancy Act, 1950. In contrast, ethnic communities of Chittagong Hill Tracts suffers the problems of land ownership mainly caused by the influx of Bengalis to the CHT, their attempts towards settlements over there and legal/illegal land grabbing. The peace treaty provides guidelines for land settlement but no major improvements have happened for lack of implementation mechanisms.

However, the nature and trends of VAW are quite similar among the religious minorities and ethnic communities in comparisons with mainstream community. In the ethnic community, drug addiction causes significant problem. In addition, oppression on minority rights and labor rights are considered as major legal issue. In legal issue, these communities most rely on their traditional legal system. Local leaders like Morol, Karbari, Headman, Religious and Indigenous Leader are key people responsible for legal redress. They are considered as fair and dependable to the community people. Ethnic people have faith and respect on their

traditional legal system. Local justice system is fair, time effective and within close proximity.

In contrast, marginal groups have different experiences. They generally do not get equal treatment and legal protection when a crime is committed against them and most of the incidents are settled through informal ways often arbitrarily or on a discriminatory basis. In explaining the discriminatory practices, one of the participants (Dalit) of FGD has shared her experience as *“Few years back I went to the ward commissioner’s office for receiving my child’s birth certificate. The concerning official said you are a sweeper, you don’t need a birth registration”*. On the other hand, for serious offences (for example murder, rape, kidnapping etc.) they visit formal justice system such as police station or court.

In promoting ethnic rights, CLS also run numerous activities including training, seminar, consultation meeting, human chain and press conference. Moreover, CLS also helped ethnic and religious people through formation of community mediation team, cooperative activities with other Religious and Ethnic Leaders, capacity building of Headman and *Karbaris, Manjhee Parishod, and Morol* (from Munda community).

Chapter 7: Conclusion

CLS programme has brought some fruitful result in the arena of community legal services in its working areas including areas inhabited by ethnic community. The communities have accepted its approaches and local service providers/groups have been developed to continue these practices even after the CLS project. Most places, local groups expressed their commitments to sustain community based legal services. A new brand of community leadership has developed whose influence and credibility are linked with their ability to provide legal services on a continual basis. This provides a great opportunity for sustainability. However, group cohesiveness and continued commitment remains to be seen.

The community people are now more aware on legal issues, fundamental rights and human rights as well as its implication. Moreover, groups of rights activists have emerged at the community level. Now, people have greater access to legal system and prospective remedies. These rights activists may work as the Trojan Horses to protect poor and marginalized women and men from abuses and violations. Incidence of legal violations has fallen down in the last few years. For instance, VAW and Criminal offense have reduced significantly.

CLS's service delivery systems are now a proven model with scale. Community justice system (informal service providers) at local level is now the preferred option for the poor and marginalized people in the CLS working areas. As such, poor and vulnerable people want to avoid formal justice system, as it seems to them expensive, time consuming, far distanced and complicated. CLS helped to build the capacity of grassroots women to participate in the community mediation process. Women are becoming more aware about their rights and participate in social movement. However, they are still lagging behind in community mediation and family decision-making processes. Thus, capacity and the maturity of the local service providers remain in question.

Besides, CLS interventions contributed to scaling up of legal aid services at the community. In addition, the Government legal aid has been functional and responsive to some extent with close collaboration between partner NGOs, DLAC and judiciary. Enough has not been done to capacitate local service providers/committee to sustain ADR services. As village court still remains largely ineffective, ADR will continue to remain a dominant alternative at the community level to ensure justice especially for the poor and marginalized.

Amidst the successes and accomplishments, CLS programme needs to continue for some time to keep the current momentum going and continue legal empowerment and ADR/*Salish* service with local participation.