

Perception Study – 2013

MEASURING COMMUNITY PERCEPTIONS ON ACCESS TO JUSTICE IN CLS INTERVENTION AREAS



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Contents

Chapter 1.....	12
1.1 Background and Introduction	12
1.2 Objectives of the Perception Study	12
1.3 Methodology.....	13
1.4 Sample design	14
1.5 Implementation	14
1.6 Organization of the Report	15
Chapter 2.....	17
2.1 Introduction	17
2.2 Basic demographic and socioeconomic profile.....	17
Chapter 3.....	21
3.1 Introduction	21
3.1 General perception on constitutional rights.....	22
Chapter 4.....	25
4.1 Community perception on Common Legal Problems.....	25
4.2 Legal problems and justice seeking patterns of HHs	31
4.3 Knowledge and Experience about Civil/Family Matters	32
4.4 Knowledge and Experience about Criminal Matters	35
4.5 Criminal Matters: General Crimes	39
4.6 Criminal Matters: Encounter with Law Enforcing Agency/ System	43
4.7 Workers' rights and their problems.....	44
Chapter 5.....	46
5.1 Introduction	46
5.2 Knowledge about Most Relevant Laws.....	46
5.3 Skills (or know how) to Utilize Legal System.....	49
Chapter 6.....	50
6.1 Prelude	50
6.2 District Judge Court.....	50
6.3 Family Court	51
6.4 Nari-O Shishu Nirjatan Daman Tribunal/Court (NSC)	52
6.5 Labour Court	52
6.6 Village Court (VC)	52
6.7 Arbitration Council.....	53
6.8 ADR/Salish.....	54
6.9 NGO Facilitated Salish	54
6.10 Ethnic Justice System	55
Chapter 7.....	56
7.1 Introduction	56
7.2 Assessment Results.....	56
Chapter 8.....	57
8.1 Introduction	57
8.2 Knowledge Level	57
8.3 Indigenous Leaders	59
8.4 NGO Workers	59
Chapter 9.....	60
9.1 Police.....	60
9.2 Rapid Action Battalion (RAB)	61
9.3 Village/Community Police.....	61
9.4 Ansar/VDP.....	61

Chapter 10.....	63
10.1 Sources of Legal Information	63
10.2 NGO Legal Aid Services	63
Chapter 11.....	64
11.1 People’s Perception about Environment	64
Chapter 12.....	66
12.1 Policy Implication of the perception survey	66

Annexes:

- 1.1 Terms of Reference of the Perception Study
- 1.2 Household Survey Questionnaire
- 1.3 Sampling Techniques and Processes
- 2. Summary of Key Informant Interviews Findings
- 3.1 Bibliography
- 3.2 Power Point Presentation of Study Findings

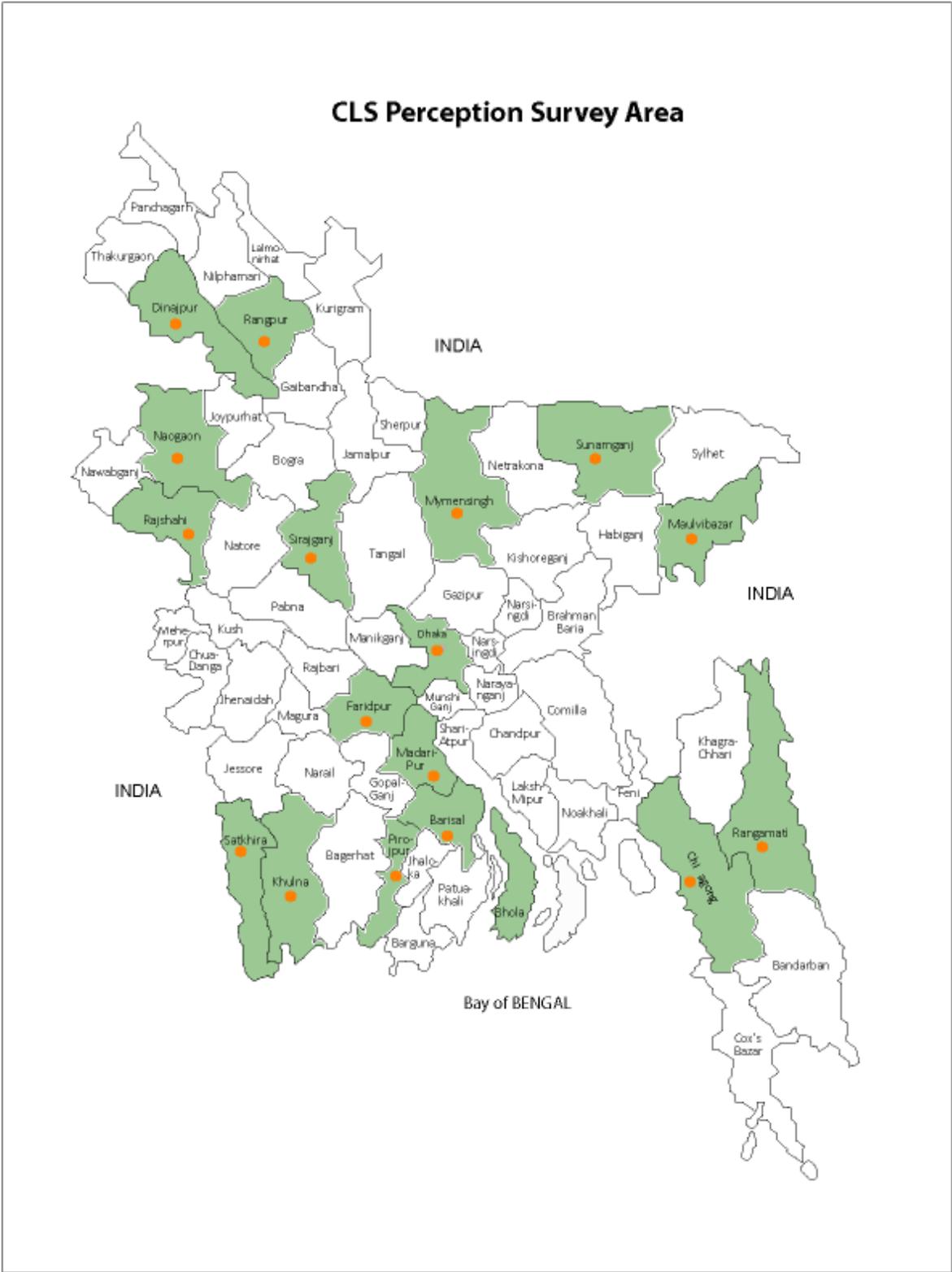
Annex-4: All Output Tables

- Section 2: Household and Respondents (Table 2.1 to 2.32)
- Section 3: Knowledge about Fundamental Rights (Table 3.1 to 3.5)
- Section 4: Perception and knowledge about community legal problems (Table 4.1 to 4.182)
- Section 5: Knowledge about relevant laws and skill to utilize legal system (Table 5.1 to 5.15)
- Section 6: Knowledge about legal institution (Table 6.1 to 6.36)
- Section 7: Assess these institutions involved in Delivering Justice (Table 7.1 to 7.9)
- Section 8: Knowledge about Legal Support System (Table 8.1 to 8.7)
- Section 9: Perception about Law Enforcing Agencies (Table 9.1 to 9.24)
- Section 10: Source of Legal Information and NGO Legal Aid Services (Table 10.1 to 10.4)

List of Abbreviations

AAD	Arrest and Detention
AC	Arbitration Councils
ADR	Alternative Dispute Resolution
BCC	Behavioral and Communication Change
BGB	Border Guard Bangladesh
BLAST	Bangladesh Legal Aid and Services Trust
BNWLA	Bangladesh National Woman Lawyers' Association
BPC	Bangladesh Penal Code
CHT	Chittagong Hill Tracts
CLS	Community Legal Service
CODEC	Community Development Centre
CS	Civil Surgeon
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
HH	House Hold
HtR	Hard to Reach
KII	Key Informants Interview
KUK	Kishore Unnayan Kendra
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
NDA	Nari O Shishu Nirjatan Daman Ain

NFS	NGO facilitated Salish
NGO	Non-Governmental Organizations
NNGO	National Non Government Organization
NSC	Nari – O- Shishu Nirjatan Daman Tribunal
PRP	Police Reform Program
PS	Police Station
RAB	Rapid Action Battalion
RDRS	Rangpur Dinajpur Rural Service
RMO	Resident Medical Officer
SSC	Secondary School Certificate
TOR	Terms of Reference
ULAC	Upazila Legal Aid Committee
UP	Union Parishad
VAW	Violence Against Women
VC	Village Court
VDP	Village Defense Party
YPSA	Young Power in Social Action



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

- **The Perception Study Team of CBSG**

Executive Summary

The Community Legal Service (CLS) is a five-year project, supported by DFID, seeks to empower women and marginalized people to access equitable justice as well as defend their legal rights and entitlement. The project intends to enhance community legal service delivery by NGOs with greater geographical coverage, targeting the poor and excluded (specifically women, children and minorities), as well as greater quality assurance, attention to sustainability of interventions, better local level collaboration and greater advocacy and policy dialogue with government at the national level.

Capacity Building Service Group (CBSG) has been awarded to conduct the Perception (Baseline) Study in coordination with and support from Community Legal Service Management and the CLS Grantee NGOs. Main objective of this study is to assess current perceptions of CLS potential beneficiary about the needs as well as quality of legal services and generate baseline value against CLS project log frame impact, outcome and output indicators for monitoring and project management. The field data collection was done from August through October 2013.

The perception study mainly investigates three inter-related attributes of the potential beneficiaries of CLS programme namely **Knowledge, Attitude and Ability or Skill**. These attributes in the study context have been defined as below:

Knowledge of the beneficiaries about community level legal issues and pertinent country laws and legal systems

Attitude of the beneficiaries towards existing laws; especially justice delivery systems

Ability or skill to obtain legal remedy, and/or ability to access justice delivery systems; in other words, beneficiaries “Justice seeking behaviour”

A combination of quantitative and qualitative methods were adopted to undertake this study including sample survey, desk review, FGD and key informant interview. The survey listed 8,800 households (primary sampling unit) in the CLS programme area, of which 2,400 households (ultimate sampling unit) were selected using purposive¹ random sampling technique. The survey interviewed 2400 respondents from 2400 households. Geographically, the survey respondents were drawn from 19 Districts, 5 City Corporations, 3 Municipalities spread over 7 Divisions covering Rural, Urban, and Hard to Reach locations.

Respondents' Profile

Of the total respondents, 75% were female and 25% were male. The average age of the female respondents was 34 years and for male 42 years. The overwhelming majority of the respondents were ever-married (98%). About 93% percent of the respondents' household head were male. 80% female respondents were house maker; on the contrary 30% male respondents were day labourer. About 53% respondents were found educated (with formal schooling). Respondents' households were categorized on the basis of their average monthly income, 27% were categorized as poorest (less than Taka 6,000 per month), 59% belonged to poor (Taka 6,000-10,000) and rest 14% (Taka 10,000 above) belonged to marginally poor households category. Interestingly 53% respondents' households have association with NGO.

¹ Household matching one or more criteria - a) at least one ever-married female person in the household; b) household monthly income is less than Taka 10,000, and c) land poor (have no land or less than 50 decimal land)

The perception study team used most of these attributes during the course of data analysis, concluding, and report preparation.

Key Study Findings

Respondents' Perception about their Community Legal Environment

About 62% respondents acknowledged the existence of family disputes in their communities; Dowry, family disputes, child marriage and polygamy are perceived to be the main legal issues of the communities. 43% respondents opined that the Local Elected Representatives (LER) are first choice of community people to get remedies for family disputes followed by community leaders, formal legal system and police. Less than 1% respondents opined that NGOs support in legal problems. 39% respondents opined that people do not seek any remedial measures;

Knowledge about Fundamental Rights

Knowledge about fundamental rights outlined in the Bangladesh Constitution is in general very low among although literate people are found to be slightly more knowledgeable. Among all the rights, respondents have the highest level of awareness (43.8%) on right to perform religious activity followed by the rights to take legal action against family members/relatives (13%). Knowledge on other rights is very low (less than 7% respondent). Respondents in the hard-to-reach areas have even less awareness on the fundamental rights.

Knowledge and Experiences on Family Disputes

Divorce: Of the total respondents 75% know very little about legal processes and implications; 10% knows moderately while the rest 15% does not know at all. 5% of the respondents have ever-faced divorce in their family. Among them, 35% went to the LER, 33% to community leaders and 25% to formal court for settlement.

Dower: About 85% respondents know very little about dower law and legal processes; 5% does not know at all. 4% respondent families have ever-faced this problem. 41% of them went nowhere for remedy.

Maintenance: Of the total respondents 74% know very little about maintenance, 10% does not know at all. 4% respondent families have ever faced the problem, 40% of them did not go anywhere for redressal.

Guardianship: Nearly 71% respondents know very little about it, 23% does not know at all. Only 2% respondent families have ever faced this problem, of them 58% went nowhere for redress.

Child Custody: Nearly 36% respondents know very little about it, 63% does not know at all. Only 1% respondent families ever faced this; 45% of them went nowhere.

Knowledge and Experiences on Major Violence Against Women (VAW) issues

Dowry: About 73% respondents know very little about dowry, 24% knows moderately and 3% does not know at all. 17% respondents reported to ever face dowry in their family though FGD revealed that the extent of dowry is much higher in families but remained mostly dormant and accepted as exchange of gifts. 69% of those who ever faced dowry went nowhere, 20% to the community and 5% to LER for settlement.

Child Marriage: Nearly 75% respondents know very little about child marriage, 19% knows moderately. 13% respondents ever faced child marriage in their family, 70% of them went nowhere for settlement.

Polygamy: About 63% respondents know very little about polygamy, 31% knows nothing. Only 4% respondent families ever faced this, 60% of them went nowhere, 23% to the LER and 17% to the Community leaders for settlements. 78% cases have not been settled.

Knowledge about Legal Institutions:

District Judge Court (DJC): Of the total respondents 68% know nothing about district judge court; only 3% have clear idea. 6% respondents have ever accessed DJC, of them 44% considered DJC services as dependable; 70% expressed that the services are expensive and time consuming

Family Court (FC): Only 11% respondents are familiar about family court; only 1% respondent families have ever accessed to this court.

District Legal Aid Committee (DLAC): Over 93% respondents know nothing about DLAC. Others have some idea but none have a comprehensive understanding on this.

Traditional Dispute Resolution and Salish: Nearly 92% respondents are somewhat familiar about ADR/Salish processes. 7% respondent families have experienced Salish, of them 72% found it dependable and inexpensive.

Skill to utilize Legal System: Of the total respondents, 95% do not know how to lodge FIR while 73% respondents do not know how to lodge general Diary. Only 1% respondents have significant knowledge about Village Court and Arbitration Council.

Knowledge about NGOs legal Services: Only 5% respondents are aware of NGOs legal services in their locality. Most of them mentioned that NGOs provide legal advice followed by financial support & counseling services.

Knowledge about Law Enforcing Agencies: Only 11% respondents have directly dealt with Police, 42% of them experienced police as supportive. 73% respondents are familiar with Village Police.

Perception on Environmental Issues: Most respondents do not have knowledge of environmental laws and rules but recognize the effect of environmental degradation on their lives and livelihoods. In the urban area, environmental degradation and pollution affects on the quality of live while in the rural areas, it directly affects their economic life. Major environmental issues as perceived by the respondents are water pollution, salinity, wetland filling, noise and water logging.

Conclusion and Policy Implications:

The study revealed that about 43% of the respondent families have ever faced one or more legal problems. Incidence of legal problem is significantly higher (46.1%) in the urban areas. As far as the justice seeking behavior is concerned, 65% cases, family member did not seek any types of available legal options. Community leaders are the ones victim families go to get some kind of redress followed by local elected representatives. Only 5% victim families used formal legal systems while around 2% resort to arbitration council.

In general awareness on legal issues, fundamental rights is at low level, lowest among the poorest and women; and they are mostly not interested to seek justice for remedy. The perception study has revealed the following features of legal environment and the justice seeking behaviour of the poor and disadvantaged group:

- General awareness on legal issues, human rights and its implication are poor.
- Legal issues have direct bearing on the lives of poor people. One way or the other, a significant proportion of poor people face legal challenges.

- Family related disputes and offences are the main concerns of legal rights for poor and marginalized people. Women are often the main victims.
- While the need for legal protection and redress remains huge, justice seeking behavior among the poor and marginalized people are insignificant. Existing justice delivery systems, both formal and non-formal, are often non-responsive and non-pro-poor.
- Most victims are generally dissatisfied with the legal resolution handed down both by the formal and informal justice systems. They consider these systems as time consuming, prolonged and hazardous process.
- Local justice systems and community level arrangements are preferred options for the poor and marginal people especially in the rural and HtR areas.
- Poor and marginal people want to avoid expensive and complicated formal legal systems of the country; and they also have low confidence on the existing justice delivery systems.
- NGO facilitated justice delivery system have very minimum level of penetration in the surveyed area indicating that these are mostly un-served areas while there is huge demand for services.

In the backdrop of above reality, CLS programme has targeted the appropriate segment of the population with legal services especially women, marginal and disadvantaged groups whose need for legal protection is most pressing. To maximize the impact of its NGO grant programme, CLS will need to:

- Develop coherence and coordination among grantee NGOs programmes especially in the area of awareness development, local level capacity building and legal aid services and thus review and realign grantee's NGO action plans. Coordination with other GO-NGO programme and interventions should also be encouraged;
- Develop standard BCC approach, communication materials, and awareness building strategy to be replicated by grantee NGOs;
- Grantee NGOs best practice materials and methods can be used;
- Realign second round grantee NGOs action plan based on local reality using the regional and beneficiary wise segregated data especially in priority setting, service delivery methods/strategies and plans;
- Facilitate horizontal learning programme across grantee NGOs using experiential learning methods;
- Design targeted advocacy approach/strategy for various institutions and agencies related with the justice delivery systems;

Realign/reinforce CLS monitoring and performance tracking system with this baseline data, particularly in identifying key performance indicators for the CLS programme and develop appropriate MIS and reporting tools to track the progress in regular intervals, by guarantees, by gender, and by areas/region.

Chapter 1

1.1 Background and Introduction

The Community Legal Service (CLS) is a five-year project, supported by DFID, seeks to empower women and marginalized people to access equitable justice as well as defend their legal rights and entitlement. The project has started in February 2012 for a period of five years till August 2017. The project intends to enhance community legal service delivery by NGOs with greater geographical coverage, targeting the poor and excluded (specifically women, children and minorities), as well as 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 of this access to justice programme for the poor and marginalised communities in Bangladesh is planned to be delivered through Bangladeshi national and regional NGOs. It targets to reach 14 Million people in 259 unions and 261 city wards (app. 28,000 persons/ union) by creating legal service provision for slum dwellers, women, indigenous communities (especially in the Chittagong Hill Tracts) the ultra-poor, char lands, coastal areas – spread-out mostly Northwest, the South, South West and South East areas of the country.

Community legal service is a set of interventions that promote greater access by the poor to their legal entitlements, better protection of human rights and appropriate modes of dispute resolution. It also promotes legal and human rights awareness and education, alongside with community organization and identifies gaps and issues that arise out of their knowledge of the law and human rights.

Major components of community legal services include community level mediation services, engagement with Union Parishad officials for the resolution of problems, engagement with the village court and arbitration council on cases within their jurisdiction, provision of legal aid at the district and national levels, community based organizations for resolution of disputes at the local level, and development of competent community paralegals.

1.2 Objectives of the Perception Study

The project envisaged three perception surveys to be carried out at various phases of the project. The current survey is the first one of this kind. The main purpose of this baseline perception survey is to generate baseline value against specific impact, outcome and output level indicators as set out in the CLS logical framework. The perception study is expected to inform programme management about the relevant dynamics of community level legal services so as to take appropriate programme intervention plan and implementation strategy at the project as well as CLS grantee level. It is expected that the findings of successive surveys will inform CLS programme decisions on potential changes in focus, strategies, and location of legal services for having greater impact.

The specific objectives of the first cycle perception survey -2013 were:

- Generate baseline value against CLS project log frame to be derived from impact indicator, outcome indicator and output indicators
- Generate information about existing demand and supply of legal services in local communities
- Assess the current perception of women and marginalized people about the need and quality of existing legal services

- Develop a comparative scenario on women and marginalized people's rights and entitlements between urban, rural and hard-to-reach areas
- Inform and support CLS policy makers to sharpen their project focus with more appropriate interventional plan and activities
- Support to the planning and implementation of CLS as well as grantee level monitoring and evaluation systems

This first cycle perception survey has created the basic architecture for the two follow on surveys. It is expected that the outcomes of the perception survey would contribute to improve programme quality and management decisions.

1.3 Methodology

The perception study adopted a combination of quantitative and qualitative methods supplementing and complementing each other to bolster study findings for CLS programme performance monitoring and programme decisions. While complying with the suggested methodology as stipulated in the ToR, CBSG approached a scientifically appropriate methodology to address the issues of the study. The study included the following multiple techniques:

Desk Review of relevant literature and similar study reports carried-out in Bangladesh and in the region. This also included review of CLS project documents and grantee NGOs project proposal and activity matrix. Besides a number of secondary literatures and relevant laws of the country were consulted during the course of the study.

Consultation Workshops with CLS grantee NGOs: Two workshops were conducted to consult with key resource persons and chief executives of CLS grantee NGOs. The first workshop was to identify key variables and the second workshop was to develop perception survey tools and to fine tune study methodologies. These workshops contributed to the study design and develop appropriate tools for data collection.

Household Listing Operation: Household listing was conducted in 97 data collection points (village in rural area and para/cluster in urban area). Total listed 8,800 households constituted the sampling frame of the study of which 2400 sample HH were drawn for interview.

Household Sample Survey: Perception of 2400 respondents (1000 urban, 900 rural and 500 hard to reach areas) have been gathered through personal interview method. Major elements of the perception study were drawn through this structured interview, using close ended questionnaire comprised key variables and questions on major CLS activities, objectives and target beneficiaries.

FGD and Key Informant Interview: Thirty Key Informant Interviews and 24 FGDs were conducted using checklists with diverse population groups to generate in-depth understanding and develop a comparative scenario. These methods have contributed to capture good practices, gaps and constraints more thoroughly. Of the 24 FGDs, 9 were conducted on environmental issues. A brief report on the perception of people on selected environmental issues is presented in the annex -2.2.

NGO and Expert Consultation and finding sharing: Conducted one NGO consultation to validate the preliminary findings and enhance interpretation of survey findings. Inputs from this consultation contributed to improve the report quality. Although an expert consultant was planned to be organized towards the end of the study, however, due to certain unavoidable circumstances such a consultation could not be organized.

Data Triangulation: The perception survey adopted several yet interrelated methods to derive information and data required to create a benchmark situation that prevails in CLS project locations. The survey team had the opportunity to triangulate data gathered from different sources and assesses their convergence. The consultant team assembled results of sample survey, FGD, and Key Informants Interview and made comparative analysis and triangulated among the data sources to draw synergy.

1.4 Sample design

The perception survey followed a combination of multi stage and purposive random sampling to draw the ultimate sampling unit. The survey used a set of assumptions and key principles to draw the actual sample size. Attention was given to ensure statistical robustness, optimize data utilization, capture diversity of populations and geographic coverage, manageability and cost effectiveness.

Determination of overall sample size was based on scientific and statistical techniques used in social science research for large population size. The sampling techniques also adopted finite population correction with design effect (DEEF) adjustment which enabled the study team to draw as smaller sample size with high precision. Finally 2400 sample respondents have been drawn (purposive sampling technique) at 95 % confidence level with high precision (low sampling error, 0.03) and design effect (2.25 - average of 1.5 and 3) to represent 10 million CLS target beneficiaries (poor and marginalised). The matrix below shows a summarized picture of Sample frame while the detailed sampling techniques and processes are presented in the annex-1.3.

Matrix: Study Sample Units

Particulars	Total	Urban	Rural	HtR
Household(HH) listed	8,800	3,904	3,143	1,753
Sample Household ² Surveyed	2,400	1,000	900	500
Percentage of coverage	27%	26%	29%	29%
Key Informants Interview (KII): 30 ³				
Focus Group Discussion (FGD): 24 ⁴				
Geographic Coverage: 19 Districts, 5 City Corporations, 3 Municipalities, Spread-over 7 Divisions (covered working areas of all grantee NGOs)				

1.5 Implementation

Inception Phase: This phase of the perception study had been implemented from 13 June to 18 July 2013. At the outset of this phase, CLS Project Team shared background, insights and the importance of the Perception Studies from the CLS perspective. It comprised consultation workshops, draft tool development, NGO consultation and validation, field testing and finalization of data collection tools. CBSG fine tuned the study methodology further in this phase.

² Households with at least one ever married female person, and/or household monthly income is less than Taka 10,000, and/or have no land or maximum of fifty decimals of land.

³ Bar Council Leader, Lawyer, District Judge, Jail Superintendent, Field Level HR Activist, Opinion Leader, Paralegal Worker, NGO Staff, Local Elected Representatives (UP members), and Field Level HR Activist.

⁴ Special Target Group population – 5 (Slum dwellers, CHT Adibashis, Santal, Transgender, Dalit community people), Environment – 9, general potential beneficiary –10

Field Operation and Quality Control: The field operation for data collection begun in August and continued till September 2013. During this time, training for field research team, field operation planning, household listing and survey, focus group discussions and key informants interviews were conducted.

Alongside data collection, field level quality control measures were installed. Each data collection team (3-5 members team) consisted of one quality controller, who was responsible for back check, sample basis re-interview and guided the field investigator at the field level.

During data collection at the field, Field supervisors checked the completed survey questionnaire to ensure inconsistencies before departing from the field. The field supervisors, in turn, deposited the questionnaires to the quality controllers. The quality controller and field supervisor checked the questionnaires for the second time. A further review and cross-check was made at the team meeting in every day at the end of data collection to check the doubtful figures and to discuss field interviews with the participation of enumerators, field supervisors and quality controller for final check at the field level.

Besides, all senior consultants of the study team visited data collection points on sample basis for ensuring data quality and provided on the spot guidance to the field research team. Besides, senior consultants conducted interviews with key informants and focus group discussions.

CLS programme team was actively involved through-out the study process, in particular, providing technical input to tool development, coordination with NGOs to develop field operation plan, and ensuring data quality during field survey. The research, monitoring and knowledge team members physically visited a number of fields during field survey and FGDs and provided inputs to ensure quality data collection.

Data Management and off Field Quality Control: The open-ended and pre-coded queries, data editing, coding and decoding was done at central level in Dhaka. The listing and survey data were entered into the electronic format using Access database, which later transferred into SPSS (13.1 version) format that provided the main frame for data analysis. A thorough consistency check was done using logical sequence method before taking simple tables, data ranges, frequency distributions and descriptive tables. The basic tables served as guide to develop a data analysis framework.

A detail data analysis and reporting framework was developed for quantitative and qualitative data taking account into gender, geographic area and regions, education, economic, NGO associations of the respondents and their families. Statistical tests/theories were used wherever applicable. The reporting structure was evolved through a rigorous experiential process by bringing inputs from all study team members.

It is to be mentioned that political disturbance throughout the entire implementation period caused delay in finalization of the study report.

1.6 Organization of the Report

The report starts with an Executive Summary along with main observations, conclusion, and policy implications followed by 11 chapters. The chapters with the summary of contents are described below;

Chapter 1 includes introduction and background briefly describes about the project, study objectives, methodology, sample design and implementation processes.

Chapter 2 portrays the background information of survey households and respondents. It included socio-economic profile of the respondents along with demographic information of the respondents.

Chapter 3 presents the perception and knowledge of the respondents about selected fundamental rights. It included respondents' general perception about selected and most relevant constitutional rights.

Chapter 4 depicts an analysis of respondents' perception regarding common community legal problem and justice seeking behaviour of the community, followed by a section describing knowledge and experience of respondents (and household) on legal aspects regarding selected family disputes, VAW, common criminal and labour issues as well as their justice seeking behaviour.

Chapter 5 presents an analysis of respondents' knowledge about most relevant laws and their skill to utilize selected legal systems.

Chapter 6 presents an analysis of respondents' knowledge about selected legal institutions. It contained knowledge about District Judge Court, Family Court, Nari-o-Shishu Nirjatan Daman Tribunal, Labour court, Village Court, Arbitration Council, Traditional and NGO facilitated Salish including ethnic justice systems.

Chapter 7 presents respondents' assessment on the actors involved in justice dispensation processes. They included court officials, lawyers, elected local leaders, traditional mediator and NGO paralegal workers.

Chapter 8 presents an analysis of respondents' knowledge about selected legal support system. It included DLAC, UP legal service, NGO legal service etc.

Chapter 9 presents an analysis of respondents' perception about Law Enforcing Agencies. They included Police, RAB, Ansar/VDP, Village/Community Police etc.

Chapter 10 depicts an analysis of the existing sources of legal information and their utilization by the potential beneficiaries in the CLS programme area.

Chapter 11 presents the perception of the respondents about environmental situation that prevails in the CLS programme area.

Chapter 12 presents the policy implication of the perception study over CLS programme design and implementation.

In addition to Household sample (quantitative) surveys, the study team also collected information from various individuals/groups through Key Informants Interview (KIIs) and Focus Group Discussions (qualitative survey). It also conducted FGDs and KIIs with some special targets groups in an attempt to know the perception of minorities groups Adivasis (Chakmas and Santals), Slum Dwellers, Dalit (Rishi), and Transgender community on their rights, entitlements and access to justice system. These findings are presented in the text box format in the relevant sections of the report.

Apart from this, the study team conducted 9 FGDs with 122 participants on environmental issues in selected CLS programme intervention areas. The findings of environmental FGDs are presented in the annex – 2.2.

The main text of the report is based on the output tables generated from sample survey data. All the findings in tabular forms (Table section 4-9) are presented in the annex-4. Besides, there are some general annexes viz TOR of the study, sampling techniques and processes, power point presentation of findings etc are presented in the annex (Annex-1.1-3.2).

Chapter 2

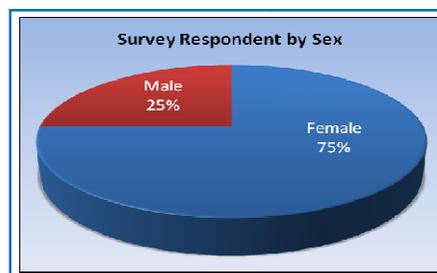
Respondents and Households

2.1 Introduction

The quantitative (household sample) survey, one of three broad methods of data collection, was conducted at household (HH) level targeting 10 grantees (Partner NGOs) working in urban, rural and hard-to-reach (HtR) areas. The findings of the sample surveys, disaggregated by sex and by basic attributes/characteristics or categories of areas, are given in the Tables by section in Annex-4.

2.2 Basic demographic and socioeconomic profile

Sex and Age: Of the total 2400 respondents, three-fourths are females, and this female-male ratio is largely maintained in all urban, rural and Hard to Reach as well all regional categories. Average age of the respondents for female has been 34 and 42 for male. The figure presents the overall age distribution of surveyed population.



Respondents by Ethnicity and Religion:

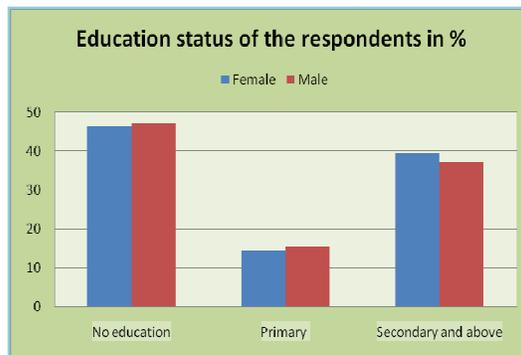
Overwhelming majority of the respondents (88.3%) is Bengali, distantly followed by Chakma (5.1%), and Bihari (4.3%), and remainders are ethnic minorities like Marma, Santal, Pahari, Tripura and Rakhine (Table 2.3). The survey also attempted to know the religion of the respondents' household. It has been revealed that 82.7% are Muslims, 9.7% Hindus, 5.7% are Buddhists and remaining 1.9 are Christian. Highest percent of Hindus were found in Urban and lowest in HtR area, while maximum Buddhists in Hard to Reach areas and none in rural area. **Average Household size:** The average family size is estimated at 4.4, moderately lesser than national average (4.8), with little variance across the basic characteristics or broad categories of areas. Size is lowest in Urban setting (4.3), while highest (4.8) in HtR areas. About half of the HHs is composed of 3-4 members, one-third with 5-6 members. Of the total, HHs with up to 2 members is estimated at 7.5% and that of 7 and above members is little above 8% (Table-2.4).

Sex of Household heads and Members: Of the total sampled 2400 HHs, some 93% are males (or male headed HHs) and around 7% are females (female-headed). Headship by female is highest in Urban setting (9%), followed by Rural setting (5%). Table 2.5 gives the details. Of the total 10,595 HH members, 50.3% are males and the ratio of male- female being very close to 50:50, very much in consistent with national average (Table 2.6).

Marital Status of the respondents: The survey targeted ever married respondents purposefully because of the fact that ever married respondents have likelihoods of experiencing legal problem and/or family disputes. Overall nearly 98% are ever-married respondents. The proportion of ever married for female is 99% while for male it is 98%. The currently married female is 90% while for male the ratio is 95%. Besides, overall some 4% are widow (er), around 1% each is abandoned/separated and divorced, while some 2% are still

unmarried. Rate of unmarried persons is slightly higher in HtR areas (Table 2.9). Of the HH members, some 48% each are currently unmarried and married, around 4% are widow(er) and remaining 2% are divorced/separated/abandoned (Table 2.10).

Educational Status: Half of the total respondents have no education (including 33% people who can sign), some 14% who passed class four, 29% passed secondary (to Class nine) and 7% are SSC passed or above, with little difference between male and female and across the areas. However, percentage of people with higher education (SSC and above) is little higher in Urban areas, followed by Rural areas (Table 2.11). Nearly 68% HH members are educated, with little difference across the fundamental characteristics/ attributes. Interestingly, very few (0.1%) HH members were found to have studying technical/ vocational institutes, and all of them are girls/women (Table 2.12).



Main Occupation of the respondents: Respondents are engaged in wide variety of occupations (Table 2.13). The important ones, in order of frequency, include: Manual/Wage Labour (32%, 16% each), Small Trade (16%), Job (10% including 3% private job), Rickshaw/Van Pulling (10%) and motorized transport worker (4%). In Urban area, small trade, non-farm labour and rickshaw/van pulling are dominating occupations, while in Rural and HtR areas, wage labour, farming and small trade are three important occupations (Table 2.13). However, among the members of the HHs, housewife, children and student are 3 important occupations, and minor ones include: wage labour, petty/small trade, job, farming, rickshaw/van pulling and so on (Table 2.14). In addition to the above, there are people with disabilities (PWD)/Old people and unemployed person (each 3%), and child labour (0.3%). There are some variations in occupational pattern in reference to areas and sex.

Housing Ownership and Structure: With variations of ownership pattern across the areas, overall 61% HHs have their own house, 24% live in rented house and a little above 9% in government (khas) land, and remainders stay in other categories of non-owned housing arrangements/lands like shelter, relatives and others house/land and land of religious institutions (temple/missionary). In opposed to urban areas where majority lives in rented houses, in HtR and Rural areas as high as 79 to 89% stay in their own houses. Again, 21% HHs in urban areas stay at government land against some 1% in other two areas (Table 2.15). Only 4% HH live in pucca houses, while majority (66%) in Tin shade houses, followed by semi-pucca structures and thatched houses (13%). Compared to Urban people, relatively much lesser number of people lives in pucca and semi-pucca houses in other two areas (Table 2.16).

Electricity Connection: With 91% Urban HHs against 45% in Rural and only some 13% in HtR areas, the average houses having power connection stands at 57% (Table 2.17).

Land Holding: Overall around 24% are absolutely landless, 2% have 0.50 acre or more land, and remainders (74%) have ≤ 50 decimals of land. Land holding pattern varies widely across the areas and moderately between male and female respondents. Urban residents are more land poor (landless), followed by HtR dwellers, and likewise, women in all the areas (Table 2.18).

Ownership of Asset: Of all the Respondent's HHs, a little over 85% have cell phone (at least one per HH), 54% electric fan, 36% Television, 25% cow/buffalo, 16% goat/sheep, 13% have bicycle, and very few own radio and boat, while nearly 6% claimed to have nothing at all. Asset ownership varies widely among the areas (Table 2.19). More number of Urban HHs own

Cell phone, Television and Fan, while relatively higher number of HHs in other areas have livestock and bicycle, as well as having nothing.

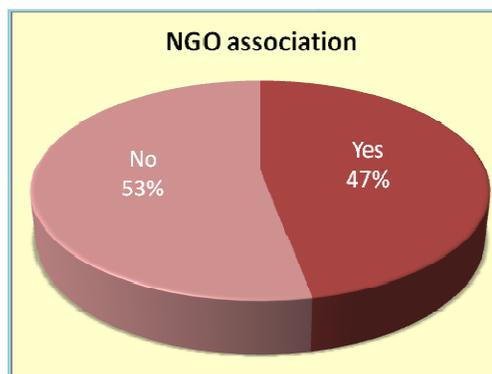
Income, Expenditure and Savings: Average monthly income of all HHs is estimated at TK. 7313, males with 7% higher than their counterparts and highest by Urban Areas (Tk. 8659) and lowest in HtR households (Tk. 5806).



Twenty seven percent HHs have up to TK. 6,000 income/month (poorest), fifty nine percent HH are within the range of TK. 6001 to 10,000 (poor) and 14% earn above TK. 10,000 (marginally poor). Average monthly expenditure is TK. 6875 (Table 2.20-21), indicating among others an estimated average savings per month of TK. 638. Monthly savings is found maximum among HtR households (TK 909), minimum among Urban HHs with TK.

759 (Tables 2.20 and 2.21). About 51% HHs were found to have regular habit of savings, a little above 7% HHs save occasionally/irregularly and 42% do not save at all (Table 2.22). Among the 3 broad categories, Rural HHs are most regular savers (64%), HtR are most irregular (28%).

Membership with NGO: Nearly 47% HHs have association with NGOs, maximum in Rural areas (59%) and minimum in HtR areas (47%), with little difference by sex of the respondents (Table 2.24).



Key features of study respondents:

Average Age	
Female	34 years
Male	42 years
Ethnicity	
Bangalee	93%
Adibashis	7%
Chakma/Marma	6%
Religion	
Muslim	83%
Hindu	10%
Buddhist	5%
Others	7%
Ever Married Ratio	98%
Education	
No Education	47%
Educated	53%
Above secondary	5%)
HH Income	
Poorest: (Less than Tk. 6000)	27%
Poor: (Tk. 6000 to10000)	59%
Marginally Poor: (Above Tk. 10000)	14%
NGO membership	
Yes	47%
No	53%
Ownership of television	
Urban	60%
Rural	24%
Hard to Reach	None

Chapter 3

Knowledge about Fundamental Rights

3.1 Introduction

The Constitution of Bangladesh, adopted on 4 November 1972, guarantees fundamental rights to equality before the law, and for citizens to be treated in accordance with law. Importantly, Article 27 of the constitution says that all citizens are equal before the law and entitled to equal protection of law. Article 14 stipulates that it shall be fundamental responsibility of the state to emancipate backward sections of the people from all forms of exploitation. Article 31(2) guarantees protection of law that the citizens and the residents of Bangladesh have the inalienable right to be treated in accordance with law. Article 35(3) ensures speedy and fair trial. The Constitution further guarantees the right to seek judicial remedies for violations of fundamental rights (Article 44).

In a country where poverty level and illiteracy rates are high, the level of knowledge and understanding on Fundamental human rights, for understandable reasons, is by and large low. Access to justice is hindered to a great extent too. Responses of this Perception Survey reinforce the general notion of a lack of awareness of human rights as legally enforceable and of the institutions' ability to deal with rights violations.

Bangladesh has both formal and informal systems of justice. The former is made of government administered system (such as Police, Courts etc) and informal system consists of Salish, informal mediation at UP, NGO managed Salish etc. As people are less aware of the rights to which they are entitled, do not know where and how to get remedy when violated coupled with low confidence in the legal system, and as a result, their access to justice is limited to a large extent, especially to the government administered system. The situation is particularly more depressing for the marginalized or excluded groups like Slum Dwellers, Adivashis (Chakma, Marma, Santal) Dalit Community, Transgender (Hijra) community, as reflected in the FGDs conducted under this survey.

CLS programme has special focus on ethnic minorities groups. They include but not limited to plain and hill tracts Adivashis, Slum Dwellers, Dalit, and Transgender community]. To capture dynamics of such special groups, this perception survey conducted FGDs with these special target groups. The findings of FGDs suggest that most of them know almost nothing about human rights, though there are frequent violations of HR in their communities. Only some slum dwellers in Chittagong City were found to know that no person can be punished until he/she is convicted by a court. Members of the Santal community heard about the word Fundamental Rights, but did not have any perception or understanding about fundamental rights. Remaining groups also have little knowledge (or very little) about fundamental rights.

From this section/chapter onward, quantitative survey issues are presented (following the ToR) disaggregated by Gender, Location (Urban, Rural and Hard to Reach), Region (East, south, North, Central and Hill Tracts), Educational Status (Uneducated and Educated),

Economic Category (Poorest, Poor and Marginally poor) and Association with NGOs (Member and Non-member), supplemented and complemented by qualitative findings, wherever applicable.

In the following sections we will see that this Perception Study in particular justifies the situation and trend mentioned above.

3.1 General perception on constitutional rights

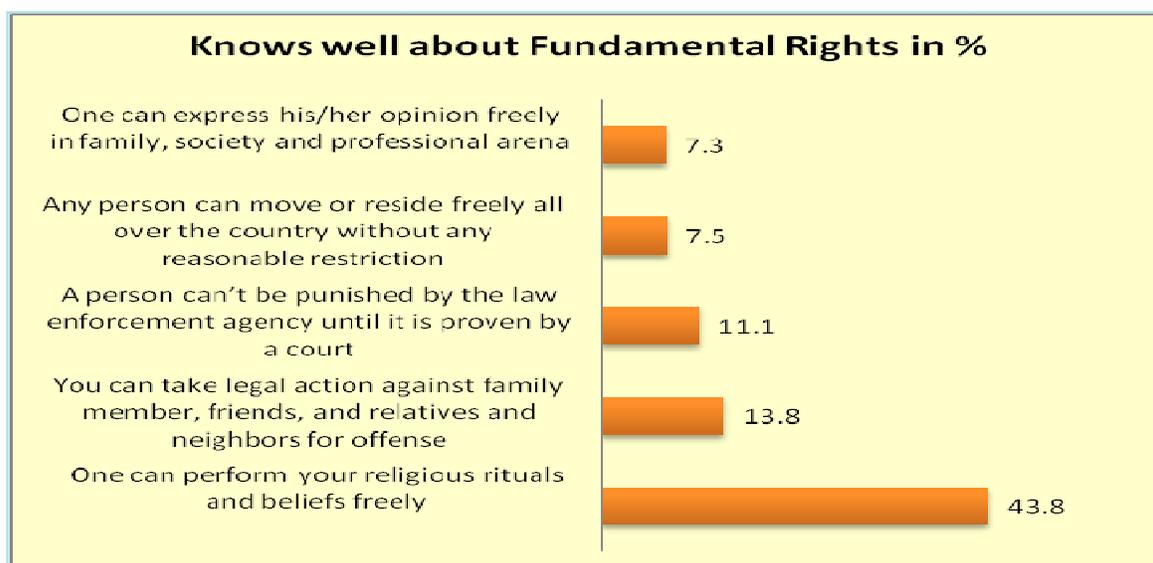
The Constitution of Bangladesh, in Chapter III guarantees a range of fundamental rights, including the rights to personal liberty and life (Article 32).

The rights to equality and equal protection of the law, to non-discrimination on grounds of religion, race, caste, sex or place of birth and the right to enjoy the protection of law, and be treated in accordance with law are also protected (Articles 27-29).

The Constitution further guarantees fundamental rights to safeguards as to arrest and detention (Article 33), to the prohibition on forced labour (Article 34), protection in respect of trial and punishment (Article 35), and the right to property (Article 42) and protection of home and correspondence (Article 43).

There are certain additional fundamental freedoms also constitutionally protected. These include the freedom of movement (Article 36), assembly (Article 37), association (Article 38), thought, conscience and speech (Article 39), profession or occupation (Article 40), and religion (Article 41), but guaranteed only to citizens of Bangladesh.

In order to comprehend the level of knowledge of respondents about their fundamental rights outlined in the Constitution, the study identified the five issues, presented in the following diagram and asked related questions, categorizing the answers as 'Know Fully', 'Know a Little' and 'Don't Know':



a. Rights to take legal action (Take legal action against family members, friends, relatives and neighbors if they cause any harm or injury)

Of the total respondents, only around 14% were found to have full knowledge about the fundamental rights, in particular, *Rights to take legal action*, ranging from slightly over 9% (HtR) to around 15% (in other two areas viz Urban and Rural). It is highest in Northern Region (25%), followed by Southern (13%) and Central Region (10%) and lowest in the Chittagong Hill Tracts -CHT (1.4%). As high as 59% have little awareness about it, while around 27% do not know about this fundamental right at all. Women, uneducated, poorer people and non-NGO members were found more unaware in reference to their counterparts (Table 3.1).

b. Rights to practice and promote religious belief (Professing, practicing and propagating any religious belief freely without any fear and interference)

When asked if they know that professing, practicing and propagating any religious belief freely without any fear and interferences is a fundamental right outlined in the Constitution, some 44% of all respondents claimed to have full knowledge, 47% partial knowledge and remainder had no perception about it (Table 3.2). Men were found slightly more knowledgeable than their female counterparts on this issue and likewise respondents of Urban and Rural areas compared to HtR, educated compared to uneducated, NGO members with reference to non-NGO members. All (100%) CHT respondents claimed having knowledge of the right to profess, practice and propagate any religion (30% full and 70% partial knowledge), the corresponding figures in North, Central, South and East Regions were 95%, 94%, 73% and 68% respectively.

c. Right to free movement and residence (Freedom of Movement and to reside and settle freely throughout Bangladesh)

Only close to 8% were found to have full knowledge about the rights of free movement and residence (anywhere in the country) without any reasonable restriction, 45% with little knowledge and 48% were totally ignorant about the right (Table 3.3). Women, Uneducated, Poorest, respondents without NGO involvement, HtR/Rural areas and all Regions except North had the least knowledge with reference to their comparable respondents.

d. Not to punish without proved guilty (Punishing a person by law enforcement agency until the offence is proven in a court through a fair trial is unlawful)

While only 11% of the total respondents know that a person cannot be punished by the law enforcement agency until the offence is proven in a court through a fair trial, the remainder either have partial knowledge (46%) or no knowledge (43%). The knowledge about this issue was found to be relatively higher in Urban and Rural areas, North and South Regions, among males, educated, marginally poor and NGO members (Table 3.4).

e. Freedom of Speech and Expression

Nearly 42% of all respondents do not know about the right of freedom of speech and expression 49% in HtR and 43% in rural against 37% in urban area. More than half of the respondents knew a little and only slightly above 7% have adequate knowledge. Like awareness about other issues of fundamental rights, women, poorer people, uneducated, non-NGO members showed lower levels of perception about this right relative to their counterparts (Table 3.5).

Box 3.1 Access to Justice Situation of Slum Dwellers

Slum dwellers make up a significant proportion of urban population in Bangladesh. CLS targeted a significant proportion (43%) of urban population in its intervention areas and at present three grantees (BLAST, BNWLA and BBF) of CLS round one have programmatic intervention in urban areas. The sample survey has revealed that about half of the respondents ever faced any type of legal problem. Besides questionnaire based sample survey, CBSG, under this Perception Survey, has conducted 6 FGDs for in-depth understanding about legal situation of slum dwellers. Violation of human rights is endemic in urban slums. Dwellers have very little awareness about their fundamental rights. Incidences of demands for dowry and dowry violence, non-payment of dower, polygamy, drug addiction, robbery, sexual abuse and stalking are most common in the slums, and majority of the victims are women. Slum dwellers have very little legal knowledge. They often go to the local community leaders for dispute resolution and are generally happy with the informal Salish mediated by the leaders. Local councilors also play a role in Salish. Slum people have general complaints (harassment and physical abuse) against Law Enforcement Agency personnel. NGO supported Salish committees are also acceptable. Slum Leaders and Councilors also have positive attitude towards NGO workers and their activities in the slum.

Chapter 4

Perception⁵ and Experience on Legal Issues

This Chapter deals mainly with some selected legal problems that people in general experience incidents occurring at family, community, or organizations; and the frequency of occurrence of such legal problems as well as where the victims go to seek remedy. People opt for different means or go to different places to resolve these problems, both formal and informal systems. Sometimes people go to multiple places or opt for more than one means to seek an acceptable solution. The legal problems, people experience and the related issues are described in the following sections. The chapter also discusses the level of awareness of the respondents on issues related to Civil/Family Matters, selected Criminal Matters and Labour issues.

4.1 Community perception on Common Legal Problems

This section of the report captures the respondents' views and perceptions about the common legal problems and related matters in their respective communities. Respondents mentioned a number of legal problems such as land disputes, family related conflicts, criminal offences and so on which are most prevalent in their communities. The study attempted to assess the prevalence of those issues in the community and the measures most often people resort to address those problems. The following section describes the community perception on selected legal issues in more details.

Land Disputes: Of the total, a little more than 42% respondent perceive that there are no land related disputes (Ownership, Inheritance, Distribution, Trespass) in their community, while 6% claimed that such incidents are frequent, 29% occasional and 25% termed it as rare (Table 4.1). By and large, land related problems are perceived more in rural areas (72%), than HtR areas (69%). The survey revealed that the affected people take multiple measures to resolve the disputes. Majority (68%) of the respondents opined that victims tried with the Local Elected Representatives, followed by Court (40%), Police (36%), community Local/Indigenous/Religious Leaders (26%), locally (20%), Arbitration Council (5%), and very few people go to Lawyers and Village Court (some 1% each), while 11% do nothing and 4% have no idea (don't know). There are variations of responses across the areas. For example, larger number of people in rural and HtR areas have tendency to settle such problems locally, while in urban areas more people do not go anywhere. There are a number of reasons as to why affected people do not go anywhere or do not take any action to resolve the legal problems, as has emerged from the FGDs conducted by the Survey Team (Box 4.1).

Box 4.1: Reasons for not seeking legal remedy by some people

- Do not know what to do and/or where to go
- Do not know which is the best place for fair judgment
- Cannot afford the cost of legal service because of poverty
- Do believe that fair judgment is not delivered anywhere
- Time consuming and prolonged process
- Consider it is a hazardous work
- Consider it as a matter of prestige and going for justice may cause reputation problems.

⁵In this study, Perception is meant as a combination of:

Knowledge of CLS beneficiaries about community level legal issues and pertinent country laws and legal systems

Attitude of CLS beneficiaries towards existing laws; especially justice delivery systems

Ability (Skill) of CLS beneficiaries to get legal remedy and/or access to justice delivery systems

Dowry: Though some 30% respondents perceived no occurrence of dowry in their communities, 20% claimed it happened frequently, 38% intermittently and remainder said that such incidents are rare; largely at a higher rate in HtR, followed by rural area; likewise least in CHT, followed by Central Region, with little to moderate difference across gender, education and economic status and NGO membership (Table 4.3).

Majority (70%) of the respondents opined that victims either remain inactive in settling dowry related issues or do not know the appropriate means or places. According to the respondents,

Box 4.2: Reasons behind resolving disputes locally

- As senior and respectable neighbors are involved in settlement, the victims/families consider it dependable.
- Do not like the family problems get publicized/exposed to other people.
- Such solutions are accomplished at minimum or no cost.
- Family/community thinks that these problems can easily be settled at their levels without outside interference

20% victims resolve such problem within the family, 5% through Local Representative, 1-2% through Local Leaders and Arbitration Councils and few others through the Police and Lawyers, CLS Partners/Other NGOs, Government Legal Aid and Village Courts (Table 4.4). A good number of people are likely to settle the legal cases at family or community level, not only in cases of dowry but for many other legal matters. The important reasons identified through FGDs are presented in Box 4.2.

Polygamy: More than half (56%) of the respondents opined no occurrence of polygamy in the community, while only 2% said it happens frequently, 22% occasional and 20% seldom (rare), with some differences in the areas (e.g. it is relatively more frequent in urban areas than the other two areas), as Table 4.5 shows.

Majority do not (or cannot decide where to) go for resolving the problem; 27% go to LER (Local elected Reps), 23% settle locally, 16% seek assistance from Local Leaders, some 4-5% each to Court and Thana, some others to Lawyers, NGOs, AC etc. (Table 4.6). People also consider LER as a good place for settling legal disputes. The reasons put forward by the FGD respondents are presented in Box 4.3.

Box 4.3: Reasons for seeking justice to Local Elected Representatives

- They are responsible for administering the area, therefore all parties accept and respect their decisions.
- They deliver justice (almost) free of cost.
- They are known people and are in close proximity.

Child Marriage: Nearly 9% respondents believed that child (early) marriages take place frequently in the community, 35% occasionally and 18% rarely, while 38% claimed non-existence of child marriage in their community (Table 4.7). As high as 80% respondents believed, that victim's family remain inactive in such cases, 13% believed it is settled locally, 9% through Local Representatives, 4% through other Local Leaders, 3% through the Police and only few opined that victims go to CLS Partners and Arbitration Councils (Table 4.8). It is revealed from the study that the parents themselves are involved in arranging child marriages and therefore majority of them either do not take any action or settle it among themselves.

Family Disputes: Overall one-third respondents opined that the incidence of family disputes (divorce, dower, maintenance, guardianship) are rare in their communities, around 23%

Box 4.4: Reasons for seeking justice through NGOs and Legal Aid Service Providers

- More women/poor friendly
- They seem very sincere and committed to delivering support to victims
- They suggest what to do and how to do it
- Inexpensive
- Dispose the cases in short time (Quick disposal of cases)
- Raise awareness of the victim, family and community
- Lobby with relevant offices

opined it occasional, and little below 2% frequent, while 42% flatly rejected occurrence of such problems in their communities (Table 4.9). The rate of non-occurrence, as reported by respondents, is higher in urban and HtR areas, and among Females, Educated, Poorer Households, and NGO members in comparison to their

counterparts. No such incidence was reported in the CHT Region, while fewer incidents were reported in Central and South Region.

Rape: About 91% respondents suggested that there were no instance of rape in their community, 7% said that such incidents are rare and 3% said it occasional to frequent, with higher rate of incidence in urban areas compared to other two, with little variance across the region and other categories of respondents (Table 4.11).

46% respondent opined that the rape victims would do nothing, 30% opined that the victim would report to Thana, 25% to LEP, 17% to court, 14% to local leaders, and some other places (lawyers, NGOs, ACs) and remainder said such disputes would be resolved locally. The Family/Community level, of course at a lower number in urban areas (Table 4.12).

Murder: Overall 91%, as high as 97% in HtR, respondents could not remember any case of murder in their communities, while less than 1% experienced it frequently, 2% occasionally and 7% once in a while (seldom), as Table 4.13 depicts. Incidence of murder was reported to be higher in East/North (13%) and nil in CHT region.

Box 4.5: Reasons for seeking justice to local/religious leaders

- Such leaders are dependable to all
- They deliver fair trial/justice
- They are respectable to entire community
- All parties by and large accept and respect their justice/settlement
- It is usually free of cost, and
- It is available in close proximity

Most respondents (68%) believed that victim's family goes to Thana, followed by Court (52%), LEPs and Local Leaders (22%), and remainder to some other places including 3% who believed that such cases are settled locally or at the Community level. (Excluding 21% respondents who believe victim family do not go anywhere). Table 4.14 shows the details and Box 4.5 shows the reasons behind seeking justice through local and religious leaders.

Kidnapping, Trafficking and Disappearances: Nearly 97% respondents did not experience any event related to Trafficking, Kidnapping and Disappearances in their community, remaining respondent experienced it seldom to occasionally, with almost no variation among the Basic Characteristics of respondents (Table 4.15). More than half (54%) of the respondents opined that concerned families did not go anywhere, close to one-third opined that they (concerned people) go to Local Leaders/LEPs, 23% to Police, 9% to Court and 6% respondents opined that concerned people tried to resolve locally (Table 4.16).

Theft, Robbery, Extortion, Fraud: Around 66% respondents reported having experienced incidents of Theft/Robbery/Extortion/Cheating in their communities. On frequency of incidence, 7% said it happened frequently and 59% said infrequently. Respondent reckoned

Box 4.6: Reasons for seeking justice through Village Court

- A board is constituted where local elected representatives also remain present
- Fair justice is ensured here
- Inexpensive
- Quick in delivering judgment

such incidents are lowest in HtR area, followed by rural and highest in urban areas, likewise lower among female, uneducated, poorer and Non-NGO HHs (Table 4.17). Similarly, again, region wise, it is lowest in CHT compared to the other four Regions.

40% respondents perceived that victims did not take any steps to redress, while 54% perceived people went to local reps/leaders, 19% to Thana, 14% perceived that victims attempted to solve it locally and remainder believed that people went to some other places like NGOs, village court, lawyers etc. (Table 4.18). Box 4.6 shows why some people choose village court to obtain justice.

Domestic Violence: About 60% respondents claimed that they did not experience any domestic violence, 15% admitted coming across such violence very seldom, 23% occasionally and some 2% regularly, overall at lower level in HtR areas, North Region and Non-NGO members with no or little difference among other types of respondents (Table 4.19). A little above 48% respondent believed the case was resolved locally, 40% believed through Local Leaders/Reps, 5% through Thana, 2% court and remainders believe people do not take any initiative (Table 4.20).

Physical and Mental Torture: A good number of respondents acknowledged that both physical and mental torture occurs in their community, the former at higher rate (74% respondents) than the latter (43%). In terms frequency, more respondents claimed it as occasional. (Tables 4.21 and 4.23). The case of torture was claimed to be more in urban and rural areas (compared to HtR) and especially among poor HH, male and NGO members. Among the Regions, while physical torture is higher in North and South and mental torture is highest in North and followed by East, and lowest in CHT.

About 75% of the respondents claimed that no initiatives are usually taken to resolve mental torture (75%) compared to physical torture (45% respondents). According to the respondents, important places to resolve physical torture related cases include: locally (Family/neighborhood, Local elected representatives, Police and Court, and some other places (Table 4.22) while in case of mental torture it is confined more or less to at the Family/neighborhood, Local elected representatives (Table 4.24). Some reasons for seeking justice to court were identified through commissioning FGDs, as shown in Box 4.7.

Box 4.7: Reasons for seeking justice to Court

- One gets fair justice/verdict in the Courts
- Court can detect real culprits and give correct punishment
- Court is the highest body for delivering fair justice.

Sexual Harassment: Overall 93% respondents (94% females) have claimed not to experience any Sexual Harassment in their communities, and of those who experienced it, majority claimed that it happened intermittently (occasional to rare), and less than 1% claimed frequently, with little difference across the fundamental characteristics of the respondents (Table 4.25).

None less than three-fourth respondents claimed that victims do not take any initiative to seek a redress, 20% opined that the victims seek assistance from Local Reps/Leaders, 8% said victims solved it locally, 3% Court and 5% to Thana (Table 4.26).

Child Abuse: Child abuses is reportedly not common as altogether only 14% respondents acknowledged its existence in their locality, of them 9% said it happened occasionally and 1% said frequently (Table 4.27). Occurrence of child abuse is relatively higher in urban areas, eastern Region, among males and literate people.

About half of the respondents claimed that concerned people did not take any action against child abuse, 29% perceived it solved locally, and almost equal proportion of respondent claimed that people went to local elected representative, 5% mentioned to Police and remainders to Court and NGO Legal Aid Service providers (Table 4.28).

Physical Corporal Punishment in the School: Existence of corporal punishment is found in the CLS programme area. Of the total respondents, 41% admitted existence of physical punishment of children in the schools in their area (Table 4.29). Of those who said that corporal punishment is in place, 32% ranked it as occasional and 8% as seldom with respect to physical corporal punishment.

Mental Corporal Punishment in the School: Mental corporal punishment cases are also reported by the respondents in the schools of CLS programme area, however, not to the extent of physical punishment. Only 17% reported such cases (Table 4.31), of which 13% was occasional and 3% was seldom.

Majority of the respondent claimed that people did not go anywhere to resolve the problem (above 80%), 18-19% claimed that it was settled locally, some said people went to local elected representative, very few said Police and Lawyer especially for physical punishment cases (Tables 4.30 and 4.32).

Fatwa⁶ violence: Fatwa is not common at all as only 1% or 22 persons mentioned about experiencing Fatwa, occasionally and rarely only, with almost identical status across the types of respondents (Table 4.33).

Box 4.8: Reasons for seeking justice to Thana/Police

- Everybody including culprits are afraid of Thana/Police
- If somebody complains (GD/FIR) to Thana, the other party come forward immediately to make a settlement
- Thana is the common place for making complain (GD/FIR)
- It is faster in solving the problem

Of the total concerned, 68% did not take any attempt to settle the Fatwa related problems, 23% went to Local Leaders/Reps, 5% to Police, and 9% settled at Family or community level (Table 4.34). The survey team, through FGDs, attempted to identify the important reasons behind seeking justice to Thana/Police (Box 4.8).

⁶**Fatwa:** Arabic for opinion of a person knowledgeable in *Shariah*. In Bangladesh villages, it is decreed by people who have no legal authority; they do not clarify an ambiguous legal situation but weigh up evidence which traditionally was never a function of a *fatwa* giver. Increasingly, *fatwas* are being used to bolster the authority of the *shalish* system. Some punitive *fatwas* have been issued against women, who were divorced, for working with NGOs or just working outside the home. Some punishments are inhuman, such as, flogging, buried up to waist and stoned to death, beating with shoe etc.

Torture/Harassment by Law Enforcement Agency (LEA): A little over 89% in Urban and around 97% in Rural/HtR areas, overall 94% HHs did not experience any torture by LEA (Table 4.35). Of the remaining 6%, close to 3% rarely, 2% occasionally and 1% frequently were subjected to (or experienced) torture.

Majority (73%) concerned HHs went to Local Reps/Leaders, followed by Thana/Police (61%), Court (25%) few people tried to solve it locally or Lawyers, Court and Arbitrary Council and 14% did not attempt for solution (Table 4.36). The reasons identified for taking assistance of lawyers, as determined in FGDs, are given in Box 4.9.

Box 4.9: Reasons for going to Lawyers for seeking justice

- When the case is in the Court, then one is to appoint a Lawyer (with legal knowledge)
- Through their professionalism and skills the Lawyers can solve the case efficiently
- Lawyers do everything, less tensions and hazard

Minority Rights: Overall 15% of respondents from the minority community (non-Muslims) reported having experienced violence-- none frequently, and nearly 1% in HtR and over 5% in rural areas (Table 4.37). Of the 5 Regions, the rate of oppression is reportedly higher in Central and North Regions.

Among these, 44% did not do anything and 14% do not have any idea where to go, some 47% went to Local Leaders/Reps and 11% to Police (Table 4.38).

Labour Rights: Overall 79% of the concerned HHs did not encounter any labour related problems, lower in HtR (73%), East (69 %), males (74%), uneducated (75%) and marginally poor compared to their counterparts, while only 2% encountered it frequently, 12%

occasionally and 8% occasionally. The difference of incidences and facing labour related problem between NGO members and Non-members was minimum (Table 4.39). No frequent incidence of labour right violation took place in HtR area and CHT.

A large number of the respondents did not initiate any action (80% including 3% who do not have any idea what to do),

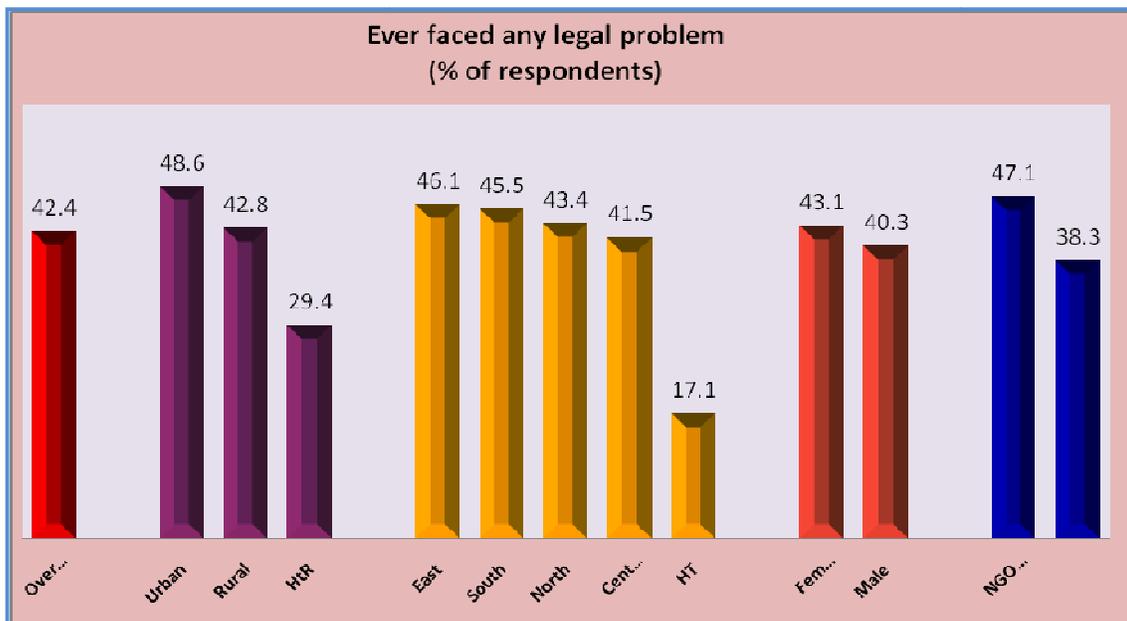
some 6% each settled it locally or through Arbitration Council, 3% each went to Police and Local Reps (Table 4.40). The reason behind choosing Arbitration Council as a forum for settlement of such disputes is summarized in Box-4.10, as emerged in FGDs.

Box 4.10: Reasons for seeking justice to Arbitration Council (AC)

- Villagers have a lot of trust on delivery of justice by AC
- People are fearful of the AC
- AC ensures punishment for the culprits and thereby justice
- People accept and value judgments of AC
- It is not expensive
- It is in close proximity

4.2 Legal problems and justice seeking patterns of HHs

People often encounter various kinds of legal problems on a day to day basis ranging from family disputes, civil cases to criminal offences. In addition, many people also become victim



of law enforcing agencies. This section provides an overview of the legal problems⁷ that the respondent families themselves had ever faced.

The survey revealed that about 42% of the respondents or their family members had ever faced legal problems. They might face one or more than one legal problems of various types details of which is discussed later in this chapter. This rate is much higher in urban areas (48.6%) than in rural (42.8) and HtR (29.4%) areas. Except Hill Tract region, no significant regional variation was noticed. Female members found to be more prone to legal problem than male. Interestingly, NGO affiliated families faced more legal problems that non NGO member families. Legal awareness could be a reason whether or not an issue is recognized as a legal problem.



⁷ Legal problems here are referred to those issues that the concerned families have recognized as an offence and took some effort to get a remedy. Hence, many issues that are considered as legal problem but the concerned families do not perceive them as a legal problem have

The survey investigated if the people ever faced a legal problem had actually sought a remedy or not. Interestingly, it was found that 65% legal victims did not even try to get a legal remedy. In other words, 35% victims sought justice through one or more means. Only 28% victims had outreached to community or neighbors for a remedy, 13% went to local elected representatives. Only 5% went to formal court while 5% victims tried through police to find a remedy.

The survey further investigated as to why victims did not sought legal remedy. Major reasons for not seeking legal remedy as reported by the participants of FGDs are provided below:

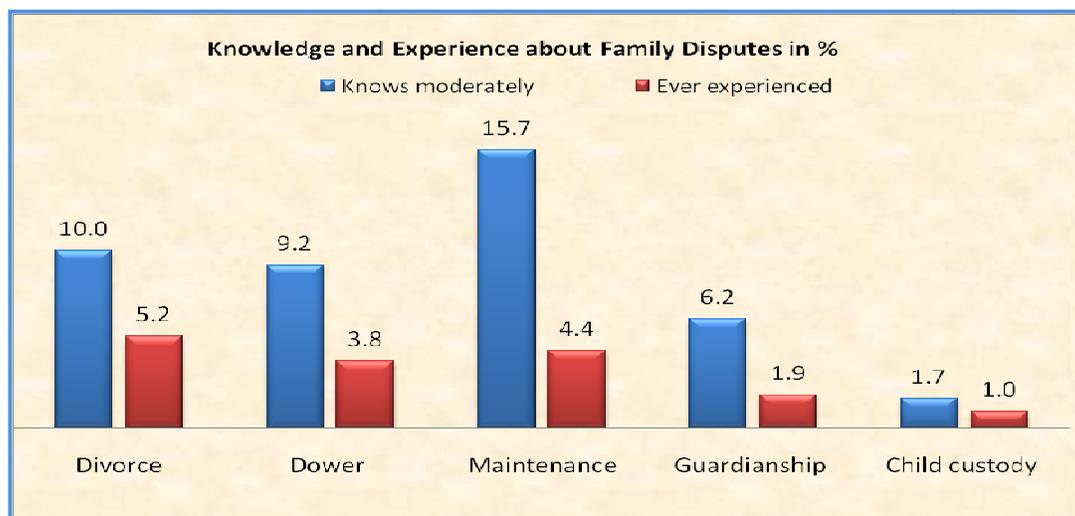
- Do not know what to do and/or where to go
- Do not know which is the best place for fair judgment
- Cannot afford the cost of legal service because of poverty
- Do believe that fair judgment is not delivered anywhere
- Time consuming and prolonged process
- Consider it is a hazardous work
- Consider it as a matter of prestige and going for justice may cause reputation problems

4.3 Knowledge and Experience about Civil/Family Matters

(Family Disputes, Practical Experiences, Places of Settlements and Satisfaction Level)
Knowledge includes its meaning with reasonable legal interpretation and legal implication of its breaching.

Families Disputes: Section 5 of the Family Courts Ordinance 1985 confers exclusive jurisdiction upon Family Courts to decide cases relating to or arising out of a) dissolution of marriage, b) restitution of conjugal rights c) dower d) maintenance, and e) guardianship and custody of children.

Nearly 7% HHs experienced family disputes discussed above indicating that 93% HHs never met any such problems. The rate of family disputes is higher in urban areas (8% against 5-6% other two places) and North Regions (11% against 4% in South) and among females (8% against 4% males), uneducated (9% against 5% educated), the poorest (10% compared to 6% in marginally poor), and slightly higher among NGO members (Table 4.43).



Divorce: The procedure for seeking a divorce is regulated by the Muslim Family Laws Ordinance, 1961. As per the statute, either parties (men or women) may seek divorce by pronouncing talaq and giving written notice to the chairman of the Union Parishad and the opposite party. The chairman is then bound to constitute an arbitration council charged with the task of attempting reconciliation between the parties within 30 days and will reconcile with 90 days from the date of issuance of formal notice. If such efforts fail, divorce is generally effective after 90 days. A wife can seek judicial decree for the dissolution of her marriage on eight grounds under the Dissolution of Muslim Marriage Act 1939. Divorce is not permitted under Hindu personal laws and Christians can divorce pursuant to the provisions of the Divorce Act, 1869.

As far as legal knowledge is concerned, 15% respondents do not have any idea about disputes related to divorce, 75% have some idea, 10% know moderately and only 0.1% respondents know clearly. Across the fundamental characteristics, knowledge level was found slightly better among urban and HtR areas (88%) compared to rural (80%), North (91%) compared to other Regions (14-16%), males (89%) compared to females (84%), educated people (88%) with reference to uneducated (82%), as well as among NGO members (86%) against Non-NGO ones (84%) as given in (Table 4.44).

Among the respondents, slightly above 5% (104 persons) said that they faced divorce-related disputes, little to moderately higher number compared to their counterparts among urban areas, female respondents, illiterate and those having NGO membership (Table 4.45). For settlement of the problem, the concerned respondents went to local elected representatives, Reps (35%), raise locally (33%), went to Court (22%), Local Leaders (10%), and places like Police, AC, NGOs including CLS partners, Legal Aid Agencies, Village Court and Kazi (Table 4.46). Around 36% concerned HHs said that their divorce cases remain pending, (46% in urban area against 9% in HtR), 21% cases are settled by local Reps, 20% by Court, 14% locally, and some others by Local Leaders, Kazi and village Court (12%), as detailed in Table 4.47. Among the HHs whose cases were resolved, 21% were not happy, 64% were happy at different levels and 13% did/could not comment on whether or not they were happy on the outcome of the settlements (Table 4.48).

Dower (Denmohor): Dower in Islamic law is the sum of money or other property to be paid to the wife in consideration of the marriage. Dower may be either specified or unspecified. If the amount of dower is unspecified, section 10 of the Muslim Family Law Ordinance, 1961 will apply. Section 10 states that where dower money is not specified in the contract of marriage the whole dower will be treated as prompt dower. Dower can be claimed by filing a suit under the Family Court Ordinance, 1985.

With little variation across the basic characteristics, only 5% respondents have no idea about dower (Denmohor), 86% have little knowledge, 9% reasonable (moderate) and none were found to have full knowledge (Table 4.49).

Overall nearly 4% respondent HHs had encountered dower related problems, with moderately higher levels in urban areas and Northern region and among female, uneducated, poorest, and HHs with NGO involvement (Table 4.50).

Of the concerned HHs, as high as 44% did nothing (including 3% who did not know where to go) towards solving the problem, 31% went to Court, 21% raised it locally, 20% to local elected Reps, 7% to Thana, 4% to CLS Partners, and 3% each to Village Court, Government Legal aid support, Local NGO and Arbitration Council and 1% to Kazi, with little to moderate variations across the areas and regions (Table 4.51). Of those who tried different means to settle the cases 69% cases were settled so far; 29% in Court, 21% locally, , 12% Local Reps

and 7% from Kazi and Village Court, while 31% cases were still remain pending (Table 4.52). No cases in the central region were settled, while victims in East and North sought assistance from all forums (Court, Community/Family, Local and Reps) except Kazi in East and village Court in North Region, while the concerned people in South attempted to solve through Community, Local Reps and Village Court.

Of the settled cases, 35% concerned persons were happy, 10% each somewhat and very happy, almost half of them were either not happy or refrained from comment for the outcome of settlements (Table 4.53). Rate of satisfaction was highest in North, followed by South, while none were satisfied in East Region.

Maintenance: The issue of maintenance is governed by provisions of the Code of Criminal Procedure, 1898, Muslim Family Law Ordinance, 1961 and Family Courts Ordinance, 1985 for Muslim women. For Hindu women, limited grounds for claiming maintenance are enumerated in the Hindu Married Women's Right to Separate Residence and Maintenance Act of 1946.

With overall 11% unawareness about Maintenance, the rate (of lack of knowledge) is relatively higher among rural and HtR areas, North region, female respondents, uneducated, poorer and HH without NGO membership (Table 4.54). As high as 74% respondents know about maintenance a little, 16% moderately and an insignificant number (less than 1%) know fully.

Only a little above 4% of respondents or their families faced the problem, relatively more HHs from Urban, North Region and among female, Poorest, Uneducated and NGO members (Table 4.55).

Some 42% respondents did nothing with the problem, 27% settled it locally, 25% took it to Local Reps, 19% to Court, 6% to Thana, 3% to Arbitration Council, and a little over 2% each to Village Court, CLS Partners, Government Legal Aid and NGO Legal aid (Table 4.56).

Of the total cases, 10% were settled at Court, 8% locally, 4% each in local Reps and Village court, 2% at Kazi office. Around 73% cases have not been settled yet; 63% in North against 89% in South (Table 4.57). Again of the settled cases, majority (64%) was unhappy with the results (100% unhappy in East, South and Central Regions), 55% in North Region. Table 4.58 depicts the details.

Guardianship related Legal Issues (of children): Issues of guardianship and custody are governed by the Guardians & Wards Act.

Seventy seven percent respondents are aware about Guardianship-related legal issues (71% know a little and 6% reasonably well), and urban area, North and Central Regions, Males, Literate, Marginally poor and NGO members are found to have relatively more awareness on guardianship (Table 4.59).

Only 2% or 38 families ever faced guardianship related problems (Table 4.60). Some 58% did not go anywhere or did nothing to settle the problem (50% in central, 52% in North, 60% in East and 100% in South Region). Twenty eight percent settled the issue through Court, 24% through Local Reps/Leaders, 11% each at Thana and Community Levels, and remainders through NGOs (including CLs Partners) and Arbitration councils (Table 4.61).

Of the total cases attempted to solve, around 56% were not solved at all, 31% in the court and 6% each at Local Reps and Community level. In Central 100% were settled locally and in East 50% still unsettled and 50% settled through Court, while in North 62% remained

unsettled, 31% settled through Court and remainders by Local reps (Table 4.62). Of the settled 7 cases, 4 cases were settled amicably (Table 4.63).

Child Custody: Nearly 36% know little, some 2% moderately and very insignificant number of respondents knows fully, meaning that 63% are not aware about Child Custody. Unawareness is higher in HtR, all regions except North and among female, uneducated and poorer and HHs without NGO membership (Table 4.64). Only 1% (20 members) concerned families ever faced child custody related problems (Table 4.65). About half of them went no-where, 35% went to court, 30% to community, 15% Local Reps, 10% each to Local Leaders, NGO Legal aid Service and 55 each to Police, CLS partners and Government DLAC (Table 4.66). They solved either at family level and or court level and 80% are happy with settlement (Tables 4.67 and 4.68).

4.4 Knowledge and Experience about Criminal Matters

(Gender based and Domestic violence-VAW⁸, Ever experienced legal problems, Places opted for remedy/settlement, cases settled and level of satisfaction over settled cases)

Acid Throwing: Offences relating to the use of acid to commit violence as well as penalties for the same are provided for in the Nari O Shishu Nirjaton Domon Ain, 2000 (amended 2003) and the Acid Oporadh Domon Ain, 2002, a specific legislation enacted by the Government of Bangladesh to deal with rising prevalence of acid violence. Of the total respondents, none knows well (adequately) about acid throwing, 6% know it moderately and remaining 75% know a little (4.70). Across the fundamental characteristics, level of knowledge is relatively better in Urban areas, North and Central Regions, Males, Literate, Marginally poor and NGO members against their comparable households. As low as 0.1% respondent faced it (Table 4.71).

Rape: Section 9 (1) of the Nari O Shishu Nirjatan Daman Ain, 2000, amended 2003, (NSND Act) read together with Section 375 of the Bangladesh Penal Code, 1860 (BPC) define the offence of rape.

According to this definition, if a male, not being married to a woman above sixteen years of age, has sexual intercourse, against her will or without her consent or with consent obtained by putting her in fear or by deceitful means, or with a woman below sixteen years with or without her consent, he shall be presumed to have raped such a woman.

Knowledge of Rape is higher among rural and HtR (24-26%) than urban area (12%), East region (42%) against CHT (6%), and females (21%) compared to males (21%), Illiterate (27%) against Literate (13%), Poorest (21%) with reference to Poor and Marginally poor (18-20%) and Non-NGO members (22%) in reference to NGO members (16%), overall awareness being 19%, 74% know little and 7% have moderate knowledge (Table 4.72). Overall only 0.1 respondent families had ever experienced rape cases (Table 4.73).

Sexual Harassment⁹: The offence of sexual harassment is not addressed expressly by any law in Bangladesh. However, specific provisions in existing laws may be invoked in such cases

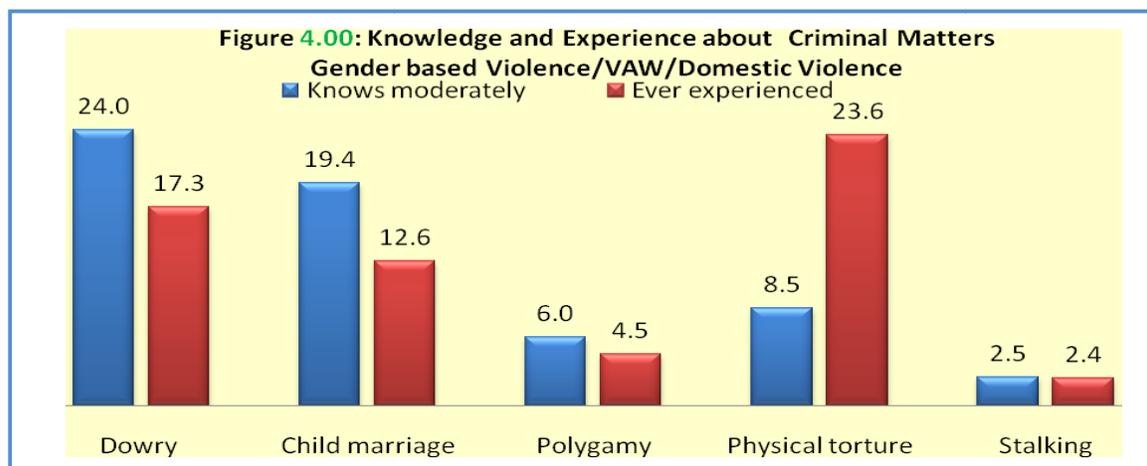
⁸Gender-based violence or VAW is a violation of human rights and a form of discrimination. It is defined as violence that is directed against a person on the basis of gender. Gender-based violence reflects and reinforces inequalities between men and women. Gender-based violence and violence against women are often used interchangeably as most gender-based violence is inflicted by men on women and girls.

including Section 509, Penal Code, 1860 (outraging modesty) and Section 10 of the Nari o Shishu Nirjaton Daman Ain, 2000.

More than half (54%) of the respondents have no knowledge about Sexual harassment, some 45% have little and only 1% knows it reasonably (moderately) and none fully (Table 4.74). Households from Urban area, North Region, Males, Educated, Marginal poor and NGO members were found to have better awareness about sexual harassment than their counterparts. Only 0.6% families with little difference across the fundamental characteristics did ever come across with such incidence (Table 4.75).

Dowry: Several studies have documented the high rates of prevalence of dowry-related violence in Bangladesh, affecting the lives of many women. Dowry violence manifests in the form of specific acts of violence such as assault, beating, and even murder. The practice of demanding or giving dowry is illegal under the Dowry Prohibition Act, 1980. Further offences relating to instances of serious violence for dowry, can be prosecuted under specific sections of the Nari o Shishu Nirjaton Daman Ain, 2000, as amended 2003 [Suppression of Violence Against Women and Children Act, 2000] or the Penal Code, 1860.

Unlike other Criminal matters, knowledge about Dowry is relatively better among the sampled respondents, particularly among Urban, North and East, Males, Literate, Marginal poor and NGO members compared to their comparable HHs. Overall, 73% have little and 24% moderate awareness about dowry (Table 4.76). CHT Region and HtR area mark low level of knowledge about dowry. Altogether nearly 17% HHs ever faced Dowry problems within and/or outside the family, relatively higher in Urban and Rural families, all Regions except CHT, female respondents, poorer families, uneducated and HHs with NGO association (Table 4.77).



Some 70% do not take any initiative to solve it; however, among the remainders majority (20%) solve it locally¹⁰ (Family/Community), distantly followed by local Reps/leaders (6%),

⁹**Sexual harassment** means making or attempting to make physical contact with someone abusing professional or administrative power; touching or hurting any part of body with the specific sexual intent; sexually motivated approaches, gestures, comment, use of slang, ridicules during or beyond working hour; generating or propagating rumor that indicates undue interest or interference with personal matters; making or attempting to make physical contact with someone by threat, fear, false promise, allure or fraud harassing any person by e-mail, sms, or letter or other means of communication with specific sexual intent or using sexually motivated words; causing restraint to personal relationship beyond the course of professional/official concern; attempt to rape or rape.

¹⁰ Locally include extended family and neighborhood but not the community at large

some others go to Court (3%), and Arbitration Council (AC), GO and NGO Legal Aid Service providers etc (Table 4.78). Nearly one-third of the cases were solved at Community/Family level, and some 4% were solved by Local Reps, Village Court, Court meaning that as high as 64 problems were not resolved at all (Table 4.79). Concerned 40% HHs were happy with the settlements (22% just, 16% somewhat and 2% very happy) while remainders are either unhappy or do not like to comment (Table 4.80).

Child Marriage: In Bangladesh, religious personal laws govern the issue of marriage. Therefore, despite express statutory provision mandating punishment for child marriages under the Child Marriage Restraint Act, 1929, such marriages are valid under personal laws including Hindu and Muslim law. The Act penalizes any person who contracts or solemnizes a child marriage. Such a marriage is one in which a male aged under 21 and/or a female under 18 years of age enter into a marriage. Accordingly any adult party to a child marriage, any person solemnizing a child marriage or any parent or guardian who promotes or permits a child marriage to be solemnized or negligently fails to prevent it from being solemnized may be punished with one month's imprisonment or a fine of Taka 1000 or both.

Overall, nearly 6% know nothing, 75% know a little, 19% know moderate and very insignificant number of people (0.1%) know well about child marriage (Table 4.81). Knowledge about the issue is relatively higher among Urban, North, South and Central Regions, men, educated, Marginal poor and NGO members. Some 87% did not and 13% did met problems related to child marriage with more or less at closer extent (except in Female, Illiterate, and economically poorer who are in back seat compared to their counterparts), as detailed in Table 4.82.

Close to 72% did not go anywhere (including 1% do not have any idea about the action) to resolve the problem, 22% solve it locally, 8% through Local or few others through other means/places including CLS Partners (Table 4.83). A little above one-third (34%) was solved at Community/Family level, around 5% through Local Reps/Leaders, 1% each at Court and NGO legal aid services, and remaining 59% were not solved at all (Table 4.84). Some 47% are not happy and equal proportion of concerned families were found happy, and 6% very happy over the settlements made (Table 4.85).

Box 4.10.1 This perception survey also attempted to know the age at marriage of bride and groom for any wedding took place in the respondent's family within last one year. Of the total HHs, 176 (7%) have experienced wedding in last one year. Average age of marriage of bride was a little over 18 years only in case of bride, and close to 34% were married before their lawful age (18 years), highest in Rural areas (37%) and lowest in Urban areas (30%), as shown in Table 2.25. In case of groom, average age was 24 years. Some 27% boys were married before their legal age of marriage (21 years). Highest number of marriage before 21 was interestingly in Urban areas (25%) and lowest in HtR areas with 18% (Table 2.26).

Polygamy: Issues relating to marriage and dissolution are governed by the respective religion based personal laws of the various communities in Bangladesh. For Muslims in Bangladesh, the issue of polygamy is governed by Section 6 of the Muslim Family Laws Ordinance, 1961, which provides that "No man, during the subsistence of an existing marriage, shall except with the previous permission in writing of the Arbitration Council, contract another marriage,

nor shall any such marriage contracted without such permission be registered under the Muslim Marriages and Divorces (Registration) Act, 1974.”

While overall 31% are not aware about Polygamy at all, 63% know a little about it and 6% have reasonable knowledge

(Table 4.86). Respondents from HtR, North and South Region, Female, Illiterate, Poorer community and NGO members are little better in possessing knowledge about Polygamy.

Nearly 5% ever (or 95% never) met such problems, slightly at a higher rate among Urban, East, females, illiterate, poorest and Non-NGO members (Table 4.87).

Box 4.11: Barriers to seeking justice from Formal Court

- Costly (financial inability) and corruption
- Lack of confidence
- Lack of knowledge on legal rights/aspects (e.g. where to go)
- Time consuming trial procedure and frequent travelling required
- Fear in involvement with court
- Threats from the other party (Insecurity), harassment
- Poor support from Law Enforcing Agency (e.g. Police)
- Society does not accept women to go to Court
- Social dignity is impacted
- Presumption of denial of justice

Around 62% did not take any action to shoot the problems relating to Polygamy, 27% met Local Reps/Leaders, 17% solved it locally, 3% each to AC and Court, and 1% each to Police and Village Court (Table 4.88). Majority cases (78%) were not settled at all, 10% at Local Reps level and some 5% locally and Court Level, a little more than 2% in Village Court (Table 4.89). Some one-third were not happy or did not like to comment, more than half were just happy and remainders very happy (Table 4.90). Through FGDs, the Study Team also identified what are the barriers in seeking justice from formal Court (Box-4.11).

Forced Marriage: The High Court, Supreme Court of Bangladesh in a judgment held that forced marriage is not permissible in Bangladesh. The right to liberty enshrined in the Constitution means and includes the right to make decisions concerning marriage free from coercion, violence and discrimination. An act constituting forced marriage would be a violation of this constitutional right.

Altogether 77% have some knowledge (8% reasonable and 69% little) on forced Marriage, comparatively higher among Urban and Rural, South, North and CHT, Males, Literate and NGO members have higher knowledge than their counterparts, with little difference across the economic status (Table 4.91). Only 0.3% ever met with the problems related to forced marriage, none in HtR area (4.92).

Physical and Mental Torture: While as high as 44% respondents have no knowledge about Mental torture, the corresponding figures about physical torture is only 13% (i.e. more people know about physical torture than mental one). In both the cases (of Physical and Mental tortures), by and large, knowledge level is relatively lower among Female, Illiterate, Poorer Economic communities and Non-NGO households. However, the rate of unfamiliarity is highest in Rural followed by Urban area as well as East and Central in Physical Torture, while it is highest in HtR and followed by Rural areas vis-à-vis East and Central in case of Mental Torture (Tables 4.93 and 4.98).

Of the total HHs, 24% experienced physical torture and 21% mental torture, at a lower rate in HtR, CHT and Central, Males, Educated, Poorest and Non-NGO Members (Table 4.94 and 4.99).

Majority took no initiatives to resolve the problems, 58% in case of Physical and 68% in case of mental tortures. And most of them who attempted to solve, went to Community, and some to other places like Local Reps/Leaders, Police, and Arbitration Council in both types of tortures (at various degrees). Only 0.4% went to CLS Partner in case of Physical torture (Tables 4.95 and 4.100). Majority issues were solved at Community/Family Level (51% in Physical against 64% in Mental), distantly followed by Local Reps/Leaders, Court, Thana etc, and 39% in case of Physical and 33% in Mental torture (Tables 4.96 and 4.101). Some 46% in Physical Torture and 51% in case of Mental Torture were unhappy or did not like express their opinion, and remainders were happy in both types of torture (Tables 4.97 and 4.102).

Eve-Teasing/Stalking¹¹: In BNWLA v Bangladesh 2011 BLD 324 the High Court of Bangladesh laid down Guidelines to prevent stalking as a supplement to previous guidelines issued by the Court to deal comprehensively with the issue of sexual harassment at educational institutions and workplaces. While nearly 58% have no idea about Eve Teasing/Stalking, 40% know a little or remainders know reasonably. The level of knowledge was found relatively higher among Urban area, CHT Region, Male, Educated, Marginally poor HHs, while both NGO Member and Non-Members are at par in this regard (Table 4.103). Only 2% HHs ever faced problems related to Eve-Teasing/Stalking, higher in HtR, Eastern Region, Uneducated, poorest and Non-NGO HHs (Table 4.104).

Nearly 60% did nothing or do not know what to do with such cases, while some 29% settled at Community/Family levels, 11% through Local Leaders/Reps, and 2% at Thana with some variance across the Regions, as shown in Table 4.105. Some 47% cases were not settled at all, 47% settled at Community/Family Level, and remaining 5% by local leaders (4.106). In North Region 33% and 50% concerned people, overall 40% respondents did not comment on satisfaction, remainders expressed their satisfaction (somewhat happy and happy (Table 4.107).

4.5 Criminal Matters: General Crimes

In Bangladesh, majority of court cases are lodged for criminal matters. Therefore this perception survey made an attempt to find the perception of the community people towards general crimes.

Murder/Killing¹²: Little above 2% respondents know nothing about criminal matters related to Murder/Killing, 77% know little and remainders know reasonably (Table 4.109). The extent

¹¹**Stalking:** The making of unwanted sexual remarks or advances by a man to a woman in a public place. The practice of stalking/eve-teasing is a form of sexual assault that ranges in brutality from catcalls, sexually evocative remarks, brushing in public places, to outright groping and very recently teasing by mobile phone and mobile tracking.

¹²Sections 299 to 311 of The Penal Code, 1860 in Chapter XVI relate to "Offences Affecting Life". Section 299 and Section 300 IPC deal with the definition of culpable homicide and murder respectively. Section 299 defines culpable homicide as the act of causing death; (i) with the intention of causing death or (ii) with the intention of causing such bodily injury as is likely to cause death or (iii) with the knowledge that such act is likely to cause death.

Section 300 IPC, deals with murder although there is no clear definition of murder provided in Section 300 IPC. It states that culpable homicide will amount to murder in cases where an act (1) is done with the intention of causing death, (2) is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person, (3) is done with the intention of causing such bodily injury to any person as is sufficient in the ordinary course of nature to cause death and (4) done is known to the person committing the act to be so imminently dangerous that it must, in all probability, cause death, or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury.

of awareness is slightly better among Urban and Rural respondents, South and Central Regions, male, Literate, Poorer and NGO respondents.

Only 1.4 % respondents (or 33 persons) encountered murder/killing offences (Table 4.110). Around 61% did not do (went nowhere) nothing to settle the problem; 27% went to Police, 21% Court, 9% LERs/Leaders (including 3% Local leaders) and 6% to Lawyers, as shown in Table 4.111). None from HtR did do anything to settle such problems; likewise, the rate of inaction is higher among households from Central and Eastern Regions.

More than half of the cases (54%) remained unsettled, 38% settled in the Court and 8% by Local Leaders (Table 4.112). Sixty seven percent concerned respondents were happy with the settlement results; around 17% were somehow happy and rest unhappy (Table 4.113).

Hurt/Assault: The offence of hurt is defined in Section 319 of the Penal Code as causing bodily pain, disease or infirmity to any person. Assault defined in Section 351 is any gesture or preparation undertaken by any person intending or knowing it to be likely that whoever sees such gesture or preparation will realize that the person making such gesture or preparation is intending to use criminal force.

Eighty eight percent respondents know about criminal offence of hurt/assault (including 10% know moderately) and remaining 12% know nothing about it with some variations among the basic characteristics of the respondents, such as North and CHT, Male, Literate, Poor have shown to have better knowledge (Table 4.114). Close to 3% HHs (or family members) experienced hurt/assault, with moderate variation among different groups of respondents. None from CHT region faced any such problem (Table 4.115). Nearly 28% assaulted or hurt respondents did not take any initiative (to settle the problem), 56% went to Local Elected Reps/Leaders (35% LER), 20% moved to Court, 17% sought assistance locally, and nearly 1% each to CLS Partners, Lawyers and AC (Table 4.116).

Thirty four percent remains un resolved, 22% solved at LER, 14% locally, , 12% by Local Leaders, 10% at Thana, 6% at Court and 2% at AC (Table 4.117). Of the settled cases, 36% victims were somehow happy and 39% were happy with the settlement results (Table 4.118). In Central region, all were unhappy with the settlement, 50% respondents were happy in East (none somewhat happy), in South 89% happy (including 56% somewhat) and North 43% are happy and 33% somewhat happy.

Child Abuse: The Children Act 2013 enacted in pursuance of the State's obligations under the Conventions on the Rights of the Child 1989 contains provisions protecting children against various forms of abuse and violence. Slightly above 37% respondents do not know Child abuse (as a criminal offence), 74% know it partially and 25% reasonably (Table 4.119). Knowledge level is relatively higher among Urban, North and Central Regions, Males, Literate, Non-poor and NGO members.

Overall nearly 4% respondents (including their family members) ever encountered Child abuse, at a higher extent in South, Female and poorer families (Table 4.120). Above 79% did nothing towards solving the problems, and 20% solve it at community/family level and few others (1% each) to Local Leaders, Court and Police (Table 4.121). A little over 83% settled at Community/Family Level, 6% by Local leaders and 11% were not solved at all (Table 4.122). More than 68% were happy at the settlement, 6% somehow happy and remainders either were unhappy or did not like to comment (Table 4.123).

Theft: Chapter XVII of the Penal Code 1860 deals broadly with "Offences Against Property". It defines theft in Section 378 as any act by which a person unintentionally moves the property of a person outside his possession without his/her consent. The punishment for this offence is

contained in Section 379 and amounts to imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Except some 2%, remainders have awareness about theft; 25% know reasonably level and 73% partially (little knowledge), with slight variations across the basic characteristics of respondents (Table 4.124). Of the total respondents, nearly 93% did not experience theft; in other words, 7% have ever encountered it (of course at little different extent across the categories of respondents), as shown in Table 4.125). Mentionable that theft prevails at a lower rate in CHT.

Sixty one percent of the concerned respondents reported not taking any action after theft, 24% went to LER, 11% settled locally, 9% through Local leaders, 6% AC and few (0.6%) to Court (Table 4.126). Of those who tried to resolve the theft problem at different places, 76% did not succeed, 8% solved by LER/Leaders, 5% Thana and 2% at Court (Table 4.127). Of the settled cases (numbering 16), 31% was partially (somewhat) happy, 19% happy and 13% very happy, others (38%) unhappy or refrained from comment (Table 4.128).

Robbery: Robbery is defined as “In all robbery there is either theft or extortion.” Theft is robbery if, in order to commit theft, or in committing the theft, or in carrying away or attempting to carry away property obtained by the theft, the offender, for that end, voluntarily causes or attempts to cause to any person death, or hurt, or wrongful restraint, or fear of instant death, or of instant hurt, or of instant wrongful restraint. Extortion is robbery if the offender, at the time of committing the extortion, is in the presence of the person put in fear, and commits the extortion by putting that person in fear of instant death, of instant hurt, or of instant wrongful restraint to that person or to some other person, and, by so putting in fear, induces the person so put in fear then and there to deliver up the thing extorted. It is punishable with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Nearly 94% respondents know robbery (13% with reasonable knowledge and 81% partial) with little to moderate variations across the fundamental characteristics (Table 4.129). Surprisingly, only 0.3% respondents ever faced it in their lives (Table 4.130).

Extortion¹³: A person is said to have committed extortion if he puts any person in fear of injury and thereby dishonestly induces him to deliver any property. Extortion is punishable with imprisonment that may extend up to three years or fine or with both.

Nearly 25% know nothing about the civil crime of Extortion, at a higher rate in Rural/HtR areas, Eastern and Southern Regions, Females, uneducated, poorer economic group and Non-NGO members. Overall 65% know it a little, 10% moderately (Table 4.131). Less than one percent (0.8%) ever encountered it with little difference across the categories of respondents (Table 4.132). The places and concerned persons reported seeking solutions/justice include: Community/Family and Thana (11% each), LER, Local leaders, Court, Lawyer and AC (above 5% each), and as high as 74% did nothing. All the concerned respondents of rural areas did nothing, and in HtR areas two-thirds did go nowhere and one-third tried to solve locally (Table 4.133).

¹³**Extortion:** Whoever intentionally puts any person in fear of any injury to that person, or to any other, and thereby dishonestly induces the person so put in (fear to give donation or subscription of any kind or to deliver) to any person any property or valuable security or anything signed or sealed which may be converted into a valuable security, commits “extortion”.

Of the total complained cases, 60% were not solved (50% in Urban and 100% in HtR areas). Of the remaining 2 settled cases in urban areas, 1 was done at Community level and another at AC (Table 4.134).

Box 4.12: Justice Seeking Behaviours of Adivashis of CHT

CLS programme intervention is extended to Adivashis communities of Chittagong Hill Tracts (CHT) area. Two grantees, BLAST and Green Hill have programme interventions in all three Hill Tracts districts. The primary targets of their intervention are ethnic communities (Chakma, Marma, Tripura etc.). In addition to sample survey, the perception study conducted two FGDs at Rangamati District.

Adivashi communities are little aware about fundamental rights and conventional laws of the country. Incidence of gender based violence is low, and so is the family dispute. They mainly face land related legal problem with Bangali communities/settlers. The ethnic communities of Hill Tracts are not very much exposed to the formal justice system of our country rather they are scared to access the conventional justice system. Religious leader plays an important role in marriage and settling marriage related problems. They prefer indigenous justice system to resolve legal issues, mostly in a participatory way which eventually works better in a socially cohesive community like Chakma and Marma. They tend to have greater confidence on their recognized representatives (Headman/Karbari) and that gives legitimacy of community participation in dispute resolution.

Abduction: Section 361 of the Penal Code 1860 defines the offence of kidnapping. It states that any person who takes or entices any male minor under fourteen years of age, or a female minor under sixteen years of age, or any person of unsound mind, out of the keeping of the lawful guardian of that person without the guardian's consent, is said to kidnap such minor or person from lawful guardianship.

A little above half of the respondents do not know anything about Abduction, and the knowledge level is poorer among HtR/Rural, East and North Regions, Female, Illiterate, Poorer Community, however, almost same level between NGO and Non-NGO members (Table 4.135). It is worth mentioning that as high as 87% respondents in CHT know it (83% little and 4% moderately). Overall 47% know it partially and 1% reasonably. Only 0.3% families ever faced abduction (Table 4.136).

Trafficking: The recently enacted Manob Pachar Protirodh O Daman Ain, 2012 deals comprehensively with the issue of human trafficking. Section 3 of the Act defines the offence of human trafficking as the selling, buying, recruitment, receipt, transportation, transfer, or harbouring of any person for the purpose of sexual-exploitation, labour-exploitation or any other form of exploitation whether in or outside of Bangladesh by means of

- a. Threat or use of force or other forms of coercion, or
- b. Abduction, fraud or deception, or of the abuse of any person's socio-economic, environmental or other types of vulnerability, or
- c. of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person,

Nearly 40% respondents do not know about Trafficking, 57% know it a little, 3% moderately and very few people claimed to have good knowledge. People in HtR/Rural and East and CHT, Female, Illiterate, Poorer economic status and members not involved with NGO are in the back seat in knowing Trafficking (Table 4.137). Only 0.1% encountered trafficking, none from HtR, East and Central Regions, Poor and Marginal groups (Table 4.138).

4.6 Criminal Matters: Encounter with Law Enforcing Agency/ System

Encountered Harassment from Law Enforcement Agency: In answering to the question if the respondents or any member of their family have ever encountered harassment of LEA, some 5% said that they have faced such incidence, at a little higher rate among respondents from Urban, south and Central Regions, Males, Literate, Poorest and Marginally poor and NGO members (Table 4.140).

Of them who encountered such harassment (136 persons in total), Majority (48%) went to Police for settlement, followed by LER (41%), Court (33%), Community (8%), Local leaders (7%) and Lawyers (6%), while some 21% were totally inactive in solving the problem (Table 4.141). One third of the cases were not settled, and the remaining ones were settled at Court (25%), Police (21%), LER/Local leaders (15%), Community/Family (4%), Lawyers and ACs (1% each). No concerned people from CHT went to Court, Community/Family, Lawyers, Local/Religious leaders, Arbitration Council, while none from East sought justice form Community and Local Religious Leaders (Table 4.142). Some 13% were very happy, 47% happy and 20% partially happy, while 20% were either unhappy or had reservations to comment on settlement (Table 4.143).

Arbitrary Arrest and Detention¹⁴: Safeguards as to arrest and detention are constitutionally protected rights contained in Article 33 of the Constitution. According to Art 33 (1), any person who is arrested shall be informed of the grounds of his arrest as soon as possible and shall also have the right to legal counsel and representation. Art 33 (2) states that any person who is arrested should be produced before the nearest magistrate court within twenty four hours of his arrest.

Like encountering LEA, one or more family members of 5% respondents also faced Arbitrary Arrest and Detention (AAD) at relatively higher extent in Urban (8%) areas, Central Region, Males, Literate, Non-poor and NGO members (Table 4.144). Of them, 58% sought assistance of Thana for settlement, 43% Court, 37% LER/Leaders, 12% to Court and 5% Community/Family, while some 18% decided not to go anywhere for settlement (Table 4.145). None from CHT went to Local Elected Reps, Lawyers, Community/Family and Local Leaders for settlement; and in East, none went Community/Family and Local leaders, and in Central also none seek justice to Local leaders.

One-fourth of the concerned sample members (94) informed that their cases remained pending; 40% solved at Court and 20% at Thana, 5% each at Community and LER/Leaders and 1% by Lawyers (Table 4.146). Some 70% concerned were satisfied (14% very happy, 45% just happy and 11% partially happy) with the settlement results, remainders either unhappy or did not like to express their opinion (Table 4.147).

¹⁴Arbitrary Arrest and Detention: Arrest and detention made unreasonably or discriminately by violating fundamental freedom and liberty of the citizen protected by the law.

Custodial Torture: The Constitution of Bangladesh in Art 35 (5) enshrines the fundamental right to protection against torture, stating that “No person shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment.”

In addition, in November 2013 the Government of Bangladesh enacted the Torture & Custodial Death (Prohibition) Act, 2013 that criminalizes torture and other forms of custodial violence.

Nearly 1% (or 20) sampled families, ranging from 0.5 to 1.4% across the basic characteristics, ever encountered custodian torture (Table 4.148). Of them 45% did not take any initiative towards resolving the problem, 40% take it with Police, 35% each to Court and LER/Leaders and 15% Lawyers (Table 4.149).

Thirty six percent of the concerned 11 respondents informed that their problem was not solved, while 36% solved at court and others solved by LER, Local leaders and Lawyers (Table 4.150). Of the concerned respondents whose cases were solved, 29% were unhappy, but remainders were happy at different level (Table 4.151).

4.7 Workers’ rights and their problems

Workers Problems: The Bangladesh Labour Act 2006 (amended 2013) is an umbrella legislation covering all aspects of workplace and seeks to consolidate all issues relating to “employment of labour, relations between workers and employers, determination of minimum wage, payment of wages and compensation for injuries to workers, formation of trade unions, raising and settlement of industrial disputes, health, safety, welfare and working conditions of workers, and apprenticeship.”¹⁵

There is wide range of job/work related problems for the family members working in different places/factories/establishment. Among the 2400 respondents, only 514 were found relevant for providing response in this section. The concerned 514 respondents were asked about these problems and answers are analyzed by problem/issue in details in Tables 4.152 to 4.182. The issues covered includes, Wage Problems, Safety problems, Verbal Abuse, Inadequate leave, Sexual Harassment, Physical Torture, Medical Support, Working Condition (Hazardous), Rest/Leisure, Long Working Hour, Maternity Leave and Benefit, Overtime and Day Care Centre

The following Box (Box 4.1) shows a summarized picture of all the job or work-related problems covered under this perception survey.

It shows that 0.2% to 2.7% respondents are facing problems like Sexual Harassment, (No) Maternity Benefit (each 0.2%), Physical Torture (0.4%), Hazardous Condition (1.2%), Verbal Abuse (1.4%), Inadequate Medical support (2.7%); 3.5% facing lack of overtime benefit, 6.2% have to work longer hours, 6.4% have leave problems and some 13% concerned respondents have been facing wage related (low wage) problems, while as high as 19% are facing at least one problem (of the mentioned) excepting Day care Centre related Problem. All the concerned respondents (100%) mentioned that they do not have day care centre service in their workplace.

¹⁵ Bangladesh Labour Act, 2006, Statement of Objects & Purposes

Box 4.1: Family ever faced any of the problems															
Basic Characteristics		Problems													Total (N)
		Wage	Safety	Verbal Abuse	Leave	Sexual Harassment	Physical Torture	Medical Support	Condition (Hazardous)	Long Working Hour	No Overtime allowance	Maternity Leave	insufficient Rest	Any of mentioned problems	
Area	Urban	13.8	2.0	2.0	6.3	0.3	0.3	3.4	1.1	5.2	2.6	-	2.9	19.5	349
	Rural	8.6	-	-	6.9	-	0.9	1.7	.9	6.0	3.4	-	3.4	13.8	116
	HTR	14.3	2.0		6.1	-	-	-	2.0	14.3	10.2	2.0	4.1	26.5	49
Region	East	25.6	4.7	7.0	14.0	-	1.2	3.5	1.2	12.8	2.3	-	3.5	1.6	86
	South	9.0	-	-	5.1	-	-	1.3	1.3	9.0	9.0	-	-	6.1	78
	North	11.9	3.0	-	8.9	-	0.7	6.7	3.0	3.0	0.7	0.7	7.4	10.4	135
	Central	10.2	-	0.5	2.0	0.5	-	0.5	-	5.1	4.1	-	1.0	10.4	196
	Hill Tracts	-	-	-	5.3	-	-	-	-	-	-	-	5.3	2.1	19
Sex	Female	11.1	1.3	1.3	6.1	0.3	0.3	2.7	1.6	5.3	2.7	0.3	3.2	17.8	377
	Male	16.8	2.2	1.5	7.3		0.7	2.9		8.8	5.8		2.9	21.9	137
Education Status	Uneducated	15.7	1.8	1.8	8.1		0.4	2.7	.9	8.5	4.0	0.4	3.6	22.0	223
	Educated	10.3	1.4	1.0	5.2	0.3	0.3	2.7	1.4	4.5	3.1		2.7	16.5	291
Economic category	Poorest	9.8			4.9			1.6		8.2	4.9		3.3	18.0	61
	Poor	12.0	1.9	1.3	8.4	0.3	0.3	3.2	1.6	5.8	3.2	0.3	4.2	18.5	308
	Marginally poor	15.2	1.4	2.1	2.8		0.7	2.1	.7	6.2	3.4		.7	20.0	145
NGO membership	NGO Member	15.1	.5	1.5	7.3		0.5	3.4	.5	4.9	2.0		3.4	20.5	205
	Not NGO Member	11.0	2.3	1.3	5.8	.03	0.3	2.3	1.6	7.1	4.5	0.3	2.9	17.8	309
Total		12.6	1.6	1.4	6.4	0.2	0.4	2.7	1.2	6.2	3.5	0.2	3.1	18.9	514

A large number of respondents do not know how to resolve the work-related problems (ranging from 14% to 52%), and a little below of them do not go anywhere for settling, a big number negotiate with management (38% to 68%) and very few through Apex Body and Local leaders (detailed in Tables at Appendix 4, Section 4). Around 40% to 50% were solved with Management, and rest remained unsolved, a good number of them are unhappy with the solution and few are happy.

Chapter 5

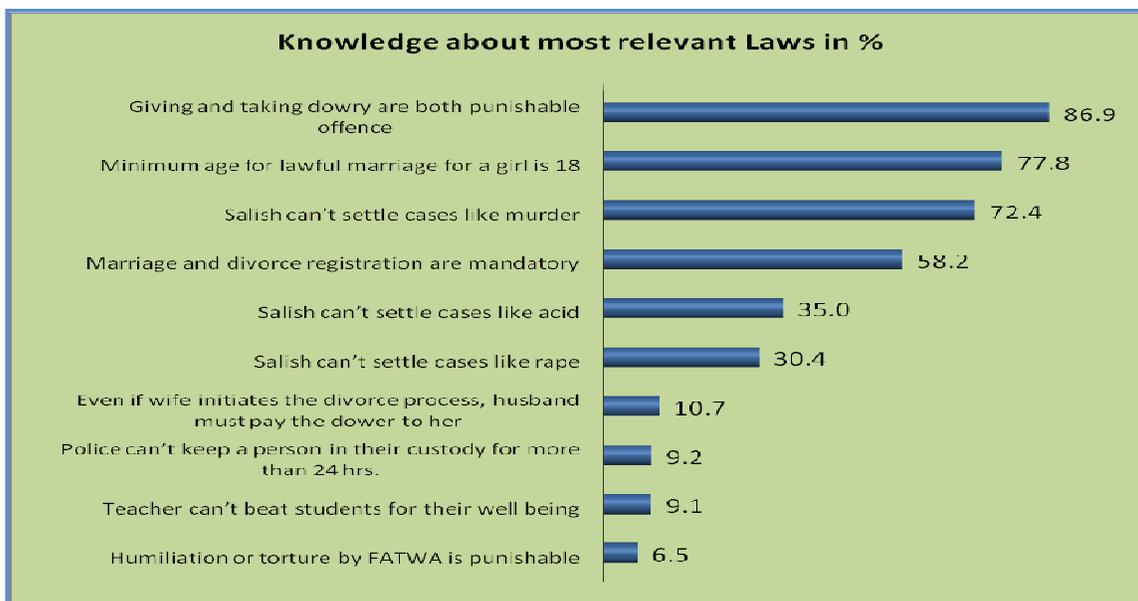
Knowledge about Most Relevant Laws and Skill to Utilize Legal System

5.1 Introduction

This chapter is broadly divided into two sections. First section deals with the extent of awareness of the people on some most common and relevant laws (derived from relevant laws of the country) and the other section describes the skills of the people to utilize the legal system (mostly related to procedural awareness about making use of legal system). Respondents were asked a set of questions on both the aspects I. Knowledge on most relevant laws and II. Skills (or know how) to utilize the legal system, and responses/ answers were processed and analyzed by question under each broad aspect. The important findings are described below.

5.2 Knowledge about Most Relevant Laws

Knowledge about basic laws and legal awareness are critical to seek justice. The poor and marginalized cannot seek justice and/or remedies when they do not know their rights and legal entitlements under the law. Information on remedies for injustice need to be intelligible to the people and knowledge provided to them must serve their day to day legal support need. The community legal service programme though various programmatic intervention will strive to address common deficiency of legal knowledge among the people. The perceptions of the respondents corresponding to the given laws are presented in the following diagram.



Payment of Dower Money (even if wife divorces)

The survey assessed the extent of awareness of the respondents about payment of dower money (Denmohor) by husband even if the wife initiates the divorce process through asking a pre-structured question containing 3 options (Right, Wrong and Don't know). As high as 89% have no or wrong idea about it (52% do not know it at all and 37% give wrong answer) indicating that only 11% respondents know it correctly, 13% males and 10% females and by area highest in Rural (13%), followed by HtR (11%) and lowest in Urban (8%), while knowledge level is very low in North (5%), Central (3%) and in CHT none knows the correct answer. It is relatively higher among educated, NGO member and marginally poor members and in East Region. Table 5.1 shows the details of awareness of maintenance cost even if the wife initiates the process.

Legal Age of Marriage of a Girl

The survey sought to determine if the people know that 18 years is legal minimum age of marriage for a girl, nearly 80% had given the correct/right answer (fully know), only 4% gave wrong responses and remaining 16% found not aware about it at all, with a little difference between male and female (Table 5.2). Extent of knowledge is slightly better in HtR and Urban areas compared to Rural area, North, South and CHT Regions (against other 2 Regions), Poorest and Marginally poor (compared to Poorest), and NGO members against their counterparts. Authority of Salish¹⁶ to Settle Rape Cases

A little over 31% people, 39% men and 28% women, do rightly know that Salish (informal arbitration) do not have the right/authority to handle rape cases. Among all the respondents, 23% gave wrong answer and 46% admitted that they do not know it all. Percentage of respondents about the issue is highest/higher in HtR area, North and CHT, poorest, illiterate, Non-NGO members (Table 5.3).

Authority of Salish to Settle Cases like Acid Throwing

Overall 34% respondents have right knowledge about the authority of Salish to handle cases related to acid (throwing), relatively higher by males (43%) than females (32%). While 47% of the total interviewees confessed that they do not know it all and 18% have wrong conception. Of the areas, Urban respondents are by far the most knowledgeable (39%), closely followed by Rural (37%), and least by HtR with 24% having accurate knowledge about the authority of Salish in this regard (Table 5.4). Likewise, the poor, respondents from Northern Region, NGO and literate members are far ahead in terms of knowledge about the issue.

Authority of Salish to Settle Murder Cases

Altogether 28% do not know (8% with wrong and a little above 19% no perception) that Salish cannot settle any murder case (Table 5.5). Among the people with right perception (74%), males are in front seat (84% compared to 70% female), literate (83% against 62% illiterate), Better off (74% compared with poorest with 72%), NGO members (79% against 70% Non-NGO members); Urban residents are far ahead (77%), followed by by HtR (71%); Hill Tract (95%), followed by Northern (82%).

¹⁶**Shalish:** An informal, traditional system of mediation used to settle marital and land disputes outside the court.

Box 5.1: Justice Seeking Behaviours of *Dalit* Community

CLS included *Dalit* community in their programme interventions as Special Target Group. This perception study arranged special focus group discussions in Khulna City area to capture legal aspects of *Dalits* (widely known as *Rishi*) communities. There is no recognized data regarding the population size of this communities, however, a rough estimate says about 6 hundred thousand *Rishi* people exist in the country.

The *Rishi* community is very little aware about the fundamental rights of the country. Their children often face denial to get admission in the school, face social barrier beyond their community. *Dalit* community has no or very little idea about the existing justice system. There is no divorce provision in their social customs. The *Rishi* community follows the Hindu marriage system – as such Hindu Laws and rituals are more dominant here. Both family and community level disputes are generally resolved through the community meeting led by *Matabbars* (Dominant group in the community, known as *Puja* committee) on the basis of agreed opinion of both parties. Depending on gravity of problem, they also go to local elected representatives.

Corporal Punishment in Educational Institution

The survey also measured the extent of knowledge of respondents about the authority of teacher to beat students for the wellbeing of the children. It was found that only 10% have the correct perception (11% male and little less than 10% female). Overall 21% admitted their ignorance and 70% have wrong idea about the issue (Table 5.6).

Giving and Taking Dowry are both Punishable Offence

Of the total sampled respondents, nearly 90% have right knowledge about legal provision of ‘giving and taking dowry are both punishable offence’, 95% males compared to 88% females,

Box 5.2: Justice Seeking Behaviours of *Santal* Community

Santals is one of the largest indigenous communities in Bangladesh, living in different districts in particular Dinajpur, Rajshahi, Naogaon, Natore, Pabna, Jessore and Sunamgonj. The last census, conducted in 2011, did not count them as separate category but the estimated number of *Santal* population is about 1 million. The Community Legal Services (CLS) programme is intended to bring *Santal* people within its programme intervention. This perception study has conducted a couple of FGDs with *Santal* at Dinajpur and Naogaon area.

Santals are very little aware about fundamental rights and essential laws of the country. They have no idea about the formal justice system of Bangladesh, but scared about police and law enforcing agencies. They rarely face legal problems within their community and also in their families; rather they face land related problems with Bengali communities. Family disputes are usually mediated by elderly people of the community.

and 84% in HtR against some 90%+in two other areas, 37% in CHT compared to 99% in South, 90% literate against 83% illiterate, some 84% Poorest and against 91 marginal, 92% NGO Members compared to 88% their counterparts. Overall as low as 3% have wrong perception and slightly above 7% admitted to have no idea (Table 5.7).

Police cannot keep a person in Custody for more than 24 hours

Slightly above 9% have right idea about the legal authority of police in keeping persons in the custody for not more than 24 hours (Table 5.8). The extent of right knowledge about the issue varies from 8% (HtR) to around 10% (Rural) by Area and 5% (CHT) to 11% (South) by Region. Again it is much higher among males (21%) compared to females (5%) and relatively higher among literate, marginally poor and NGO members against their comparable respondents. As high as 90% do not know this legal provision (including 9% with wrong perception) in this regard.

Humiliation or Torture by Fatwa is Punishable

As low as 7% of the total respondents rightly know that humiliation/torture by fatwa is punishable offence and 89% acknowledged that they do not have any idea and remainders have wrong perception about the offence. Like other issues women, illiterate, Poorest group are more ignorant compared to their counterparts, and so the HtR respondents (Table 5.9). Region wise, CHT and area wise Urban/HtR respondents are less aware than their counterparts.

Marriage and Divorce Registration is Mandatory

A little above 58% respondents have right knowledge about mandatory provision of registering both marriage and divorce, 55% women with reference to 66% men. Across the areas, the proportion of people having right knowledge about it ranges from 57% (in HTR) to 60% (Urban) and across the Region widely ranges--6% in CHT to 67% in North. Some 42% (including 4% with wrong perception) have no idea about it (Table 5.10). Unawareness level is also found higher among illiterate peephole, interestingly with negligible difference between NGO and Non-NGO Members and among the 3 poverty groups (Poorest, Poor and Marginal).

5.3 Skills (or know how) to Utilize Legal System

The knowledge or awareness level as regards skills to exploit the legal system was found by and large at a very low level. Situation is worse in case of women, Illiterate, Poorer, Non-NGO members and HtR areas and CHT Region compared to their counterparts (Tables 5.11 to 5.15). Not only very few people have full knowledge, even the number of people having partial or moderate knowledge is few in cases of skills to lodge a First Information Report (FIR)¹⁷ and submitting a petition for Salish/mediation. Only 0.5 and some 5% people were found to have full and partial skills in case of former i.e. to lodge FIR (Table 5.11), the corresponding figures for the latter are 0.2 and 1.8% (Table 5.15).

In the matters related to knowledge about Registering a General Diary (GD)¹⁸, Making complains to an Arbitration Council and Complaining to a village court is slightly better (but far below the expectation). Only 2.2% have full and 24.6% respondents partial skills in registering a GD (Table 5.12), 1.0% fully and 37.7% partially aware about making complains to Arbitration Council (Table 5.13), while the comparable figures in making complain to Village court are 1% and 36% (Table 5.14). By region, CHT have poor skills in all the areas discussed above manifesting only partial knowledge.

¹⁷ **FIR:** The elaborate form of FIR is First Information Report. Information relating any offence given to any police station on basis of which investigation starts is called FIR.

¹⁸ **General Diary:** means the general diary kept in the police station as prescribed by the government where complaints and charges, names of the arrested people, description of offences, names of the complaints, description of weapons and properties taken in custody, names of the witnesses are recorded.

Chapter 6

Knowledge about Legal Institutions

6.1 Prelude

Under this Chapter, there are 3 broad sections. All the respondents were inquired about their awareness/knowledge of the legal institutions that are in place in the country (including if they have ever visited to those institutions for remedy/services, support factors and barriers in getting services). The survey, it should be mentioned, covered a good number of legal institutions, both formal (District Judge, Labour Court, ADR, Police, RAB etc.) and informal ones (NGO Facilitated Salish, Ethnic Justice System, Local Salish etc.). The findings on awareness/knowledge of the respondents on the various legal system and visiting status, processed and analyzed based on the answers of the HHs, are described below (and detailed in the Tables 6.1 to 6.36).

6.2 District Judge Court

A District Judge exercises administrative control over all civil courts within the local limit of his jurisdiction. The local limit is determined by the Law. His administrative and judicial function are supervised and controlled by the High Court Division of the Supreme Court under article 109 of the constitution. In this regard, the Law and Justice Division of the Ministry of Law, Justice and Parliamentary Affairs provide secretarial support. A District Judge has, in respect of all civil suits in his district both appellate and divisional jurisdiction. In some cases the District Judge has got original Jurisdictions.

None know fully about District Judge Court (DJC), a little over 3% just know and some 28% know a little, while as high as some 68% do not know at all (Table 6.1). While about half of the males know it (including know little), the corresponding figures of their counterpart is one-fourth. Across the areas, Rural people were found more aware than other two (HtR and Urban) and likewise people from North are slightly more aware about the DJC. Literate and NGO members are also ahead of their counterparts.

Of the total about 6%, ever visited DJC for seeking remedy, 10% males against 4% females, 7% educated against 4% uneducated, 8% NGO members compared to 4% Non-NGO (NNGO) members; and across the area, it ranged from 5% (HtR) to 6% (Rural and Urban), 3-4% in Central/East to 12% in North Region, as detailed in Table 6.2.

While 35% concerned respondents believe that there is supporting factors for going to DJC seeking remedies, the respondents also identified the following, in order of frequency, in favor of DJC 1. Dependability (42%), 2. Easy to get service (18%), 2. Proximity (4%) and 4. Inexpensive (2%), with wide gender and area wise variations. For example, none in the Rural and HtR areas consider visiting the judge less costly (inexpensive). Table 6.3 gives the details on support factors and barriers related to DJC.

Around 20% respondents (ever gone for justice) believe that there is no barrier to avail the services from DJC, while others believe that it is expensive (39%), it is bias 11%), it takes longer time (27%) and getting service is difficult (2%). There are variations across the

attributes of the survey (Table 6.4). In CHT, for example, 50% feel that it is difficult to get service for DJC and remaining 50% feel that there is no hurdle, while in South, 57% consider it expensive, 14% each think it is biased, time consuming and there is no barrier.

Box 6.1: Institutionalise paralegal support in the legal aid system

Advocate Fazlul Haq, Secretary, Madaripur Legal Aid Association (MLAA)

Mr. Fazlul Haq, a renowned legal rights activist of the country, expressed that women rights for inheritance, maintenance, and dower are commonly violated in case of poor and marginalized people in Bangladesh. In general women are prone to being legal rights violation victims. Generally people opt for Salish (TDR) unless they are caught by the police. The reasons for not seeking justice from formal system are corruption, lengthy and complex formal justice procedure, and lack of honesty and sincerity of the lawyers.

In the absence of a specified designated person to deal with cases, DLAC and ULAC do not appear to be effective. Moreover, district judges (the key mentor of government legal aid program at district level) are not willing to consider the legal aid program as their mandate.

Hr. Fazlul Haq claimed that paralegal workers of MLAA in Madaripur actively support DLAC and ULAC in delivering legal services for the poor and marginalized under government legal aid program. He categorically emphasized on strengthening the government legal aid program and the relevant institutions, and specifically recommended the followings:

- Review existing procedures of DLAC and ULAC and make it unique for all districts
- Institutionalize paralegal staff in the legal aid support system
- Arrange mass campaign at grass root level to raise awareness on legal issues
- Institutionalize the *salish* system to ensure justice
- Engage civil society in government legal aid programme and organize campaign in the rural areas

6.3 Family Court

Family Courts were established by the Family Courts Ordinance 1985 with exclusive jurisdiction for expeditious settlement and disposal of disputes in only suits relating to dissolution of marriage, restitution of conjugal rights, dower, maintenance, guardianship and custody of children. And the courts begin working all over the country except in the three hill districts of Rangamati, Bandarban and Khagrachhari. The Assistant Judge is the judicial officer of this court.

Of the total, some 11% know about Family Court (including 10% with little awareness), indicating that 89% do not know it at all. Respondents from HtR and Rural areas, CHT and North, Women, Uneducated and poorer people were found less aware than their counterparts (Table 6.5). In CHT Region, only 1% know little about the Family Court.

A little less than 1% people (19) went to Family court for seeking justice, women in slightly higher number(1% compared 0.5% males), likewise, there was slightly higher turnover by Urban people to the Family Court (Table 6.6). Only 0.2% visited from HtR and 1.6% respondents from North and 1% from Central visited it, and none from other Regions.

Around 21% concerned respondents (those who visited) believe that there is no supporting factor that prompts one to seek justice, while 42% consider it dependable, 21% inexpensive,

and 16% easy to get service (Table 6.7). On the contrary, 47% ever visited persons think that there was no obstacle in going to Family Court for justice, 21% consider it expensive, 16% biased, 5% long duration and 11% said that it is difficult to get justice from Family Court (Table 6.8).

6.4 Nari-O Shishu Nirjatan Daman Tribunal/Court (NSC)

Nari-o-shishu Nirjatan Daman Tribunal has been established under the provision of the Nari-o-shishu Nirjatan Daman Ain 2000. According to the law every district there must be a tribunal of such cases. If the government thinks necessary may constitute more tribunal in each district. The tribunal shall be consisted of one judge who is appointed amongst the district judge level judicial officers.

Little over 89% people do not know NSC at all indicating that some 11% have knowledge (including 10% with little knowledge). Higher number of women, people from HtR area, CHT, Illiterate, Poorer and NNGO were found lesser aware about it (Table 6.9). Only 13 (0.5%) people from 2400, none from HtR area, East and CHT have ever visited NSC to settle problems (Table 6.10).

From those who visited the NSC, a little over 23% think that there was no supporting factor, 31% consider NSC dependable, 23% assigned proximity as a factor, more than 15% easy accessibility and 8% label as cheaper with wide variance between areas/regions vis-à-vis males and females (Table 6.11). On the other hand, as regards Barriers, 54% categorized it as expensive, 15% time consuming, 8% biased and remaining 23% said that there was no hurdle (6.12).

6.5 Labour Court

For the purposes of Labour Act 2006, the Government shall establish as many labour courts as it considers necessary. A labour court shall consist of a chairman and two members to advise him, but in case of trial of any offence or in disposal of any matter of Wages and Payment or Workers Compensation for injury by accident it shall be constituted with the chairman only. The chairman of the labour court shall be appointed by the Government from amongst the District judges or an additional district judges. One of the two members of the labour court shall be the representative of employers and the other shall be the representatives of the workers.

Only close to 14% of the total concerned respondents know about Labour court (13% partial and 1% moderate awareness). Unawareness of it is higher among Rural and HtR, South and Central Regions, and like other systems, among women, poorer people, uneducated and NNGO (Table 6.13).

Of the total, only 2 respondents (0.4%) have visited the labour court (from Urban/East/Female/Uneducated/NNGO, Poor and Marginal (i.e. none from HtR and Rural, South, North, Central and CHT, Male, Educated, Poorest and NGO Member category), as shown in Table 6.14. The only supporting factors cited as Easy to get Access while the others mentioned that there was no obstacle (Tables 6.15 and 6.16).

6.6 Village Court (VC)

A court constituted under the provisions of the Village Court Ordinance, 1976. Any party in a dispute in the prescribed manner and paying the prescribed fee may apply to the village court. Chairman of the Union Parishad is concerned for the constitution of a village court for the trial of a case. Apart from the chairman, each contending party nominates two representatives. It has no power to pass a sentence for imprisonment, but may order the

accused to compensate the aggrieved, paying him/her an amount not exceeding twenty five thousand taka.

Forth three percent respondents do not know about Village Court, while the remainders know it at various levels (51% little, 6% moderate and very few fully) (Table 6.17). Higher unawareness was found among Urban respondents, North and Central and female, uneducated Poorest and Marginal and NGO members.

Only 53 (or close to 4%) of the total respondents, had experience of visiting Village Court for settlement, at a little higher rate by Males, Rural/HtR areas and East Region (none from Central), Poor and Marginal poor people (Table 6.18).

Of the visited persons, little over 28% said that easy accessibility, 25% dependability, 19% proximity and 11% inexpensive as the supporting factors, while 17% clamed having no support factor (Table 6.19). The barriers put forward as bias (38%), difficult to get service (13%), time consuming (4%), and while rest 46% did not mention to have any barrier (Table 6.20).



6.7 Arbitration Council¹⁹

Arbitration Council means a body consisting of the Chairman and a representative of each of the parties to a matter dealt with in Muslim Family Law Ordinance. Where any party fails to nominate a representative within the prescribed time, the body formed without such representative shall be the Arbitration Council. No man, during the subsistence of an existing marriage, shall, except with the previous permission in writing of the Arbitration Council, contract another marriage. Moreover, within thirty days of the receipt of Divorce notice the Chairman shall constitute an Arbitration Council for the purpose of bringing about reconciliation between the parties. The Arbitration Council may issue a certificate specifying the amount which shall be paid as maintenance by the husband.

Some 73% know the Arbitration Council, 60% a little and 13% know moderately, indicating that 28% do not know it at all (Table 6.21). It is relatively more familiar to HtR area, South and

¹⁹ - <http://www.bdlaws.gov.bd/laws/viewlaw.asp?ref=Muslim+Family+Law+Ordinance+1985>

Central Regions, Poorest and Marginal, as well as to males, Literate and interestingly NNGO members.

Only 6% (89 persons) ever gone to Arbitration Council (AC) for solving legal problems, relatively a little higher rate by Rural, Central and South, Males, Literate, Marginal and NGO members (Table 6.22) .

Some 25% respondents believe that there is no positive factor for seeking justice to the Council, while 27% believe it is easy to get service, 24% found it dependable, 15% less costly, and 10% found it in close proximity (Table 6.23). And the negative factors include: biased (45%), difficult to get service (12%) and very few labeled it expensive and time consuming, while over 39% mentioned that there was no obstacle (Table 6.24).

6.8 ADR/Salish

Alternative Dispute Resolution (ADR): A type of dispute resolution that seeks to limit the costs of litigation by using alternative, often out-of-court means, such as arbitration, conciliation and summary possession proceedings. Alternative dispute resolution options are voluntary, and often involve a neutral third party to make decisions.

While only 4% people are totally unfamiliar with Union Alternate Dispute Resolution (ADR), rest of the respondents is more or less aware about it (partially to fully). Unfamiliarity is higher in HtR, CHT and East Region, females, Uneducated, Poorer and NNGO members (Table 6.25).

Only 8% (or 107) respondents went to ADR for taking service from ADR, at an elevated rate by Rural, South, Male, Poor and Marginal and NGO members (Table 6.26).

The positive reasons being going there include: Dependability (28%), Proximity (23%), less costly (20%) and easy to get service (12%), while 17% concerned people did not find any positive factor (Table 6.27). While more half of them (52%) did not find any barrier, the remainders mentioned biasness (34%), difficult to get service (8%) and only 3% tagged it as time consuming system (Table 6.28).

Box 6.1: Major Challenges NGOs face in delivering Justice

- Poor, especially poor women, cannot easily raise their issues or make complain (because male and community do not like/support), even sometimes the women/poor face threats
- Local elected representatives and leaders try to resolve the local problems without NGOs interference (influence/force to compromise)
- Shortage of fund/resources
- Lack of awareness and legal/essential documents (such as birth registration, marriage registration)

6.9 NGO Facilitated Salish

As high as 95% do not know about existence of NGO facilitated Salish (arbitration). The remaining 5% are partially to fully familiar with it, with little prominence in Urban area and North Region (Table 6.29). Only 11 respondents (10 women; 8 from Urban, 2 from Rural and 1 HtR) had experience of taking NGO Facilitated Salish (Table 6.30).

While the 3 facilitating factors in approaching NGO Salish included cheapness and dependability (36% each) and easy to get service (27%), while the concerned persons mentioned that 55% mentioned no barrier at all, 27% said time-consuming or long duration and 9% biased (Tables 6.31 and 6.32).

6.10 Ethnic Justice System

More than 90% people are not familiar with Ethnic Justice System, remaining 10% know partially or more. Unawareness is relatively higher in Urban and Rural areas, as well as among female respondents (Table 6.33).

Only 9 persons or 5% of the concerned respondents went to the system for justice, from Rural and HtR areas (none from Urban), CHT and North (none from other Regions). All this is understandable because of coverage of smaller number of sample from ethnic community, and they live mostly in Rural and HtRs well as North CHT areas (Table 6.34).

As regards supporting factor, the concerned visitors mentioned dependability (44%) and Hazard-free service or Easy to get Service (22%), and remainders claimed that there is no supporting factor (Table 6.35). On the contrary, around 56% did not find any barrier, 33% biased and 11% mentioned time consuming process (Table 6.36)

Box 6.1.1 Legal Expenses of respondents' family

The survey made an attempt to know the extent of legal expenses the poor and marginalized people made in last two years. It has been revealed that, of the total 2400 HHs, 9% did (or had to) spend money for legal purposes in last two years, with slightly higher number in Rural areas (11%) and by male respondents (11%). Details are given in Table 2.23. The concerned HHs on average spent around TK. 26,000, around TK. 1,000 higher (than average) in Urban areas and lower in HtR areas by TK. 4,000.

Chapter 7

Perception about on the Actors of Justice Dispensation Systems

7.1 Introduction

The Survey assessed selected institutions involved in delivering justice. The assessment is done through categorizing/aggregating the four closed answers namely Poor, Fair, Good and don't know) by individual institution. The assessment is presented below by institution and in detailed fashion in Tables 7.1 through 7.9 in Annex 4.

7.2 Assessment Results

Judges²⁰: With some variances between sex and area/region, 38% ranked the Judges as good, 27% fair close to 2% as poor, while 33% refrained from assessing them (saying do not know). Details can be seen in Table 7.1.

Court Officials (Seresthader/Peskars): With 63% saying do not know, 22% ranked the Court officials as fair, 13% good and 3% poor (Table 7.2). More women did not rank them (said don't know) than males, as well as respondents in HtR and Rural areas, and East and south region.

Lawyers: Half of the respondents labeled Lawyers as Fair, followed by Good (24%) and Poor (8%) and remainders did not comment (Table 7.3).

Lawyer's Clerks: While 37% did not (did not like to) comment on assessment, 42% ranked the Lawyer's Clerks as Fair, 14% as good and 8% Poor having wide variations across the fundamental attributes (Table 7.4).

Elected Local Leaders: Fifty five percent groped the Elected Local Leaders as Good, 37% Fair and 6% as Poor, while only 2% refrained from comment (or said don't know (Table 7.5).

Community/Adivasi/Religious Leaders: Only 3% classified the Community/Religious/Adivashi Leaders as poor and 8% said do not know, remaining respondents ranked them as Good (57%) and Fair (32%). Here also there is variations across the basic characterizes of analysis (Table 7.6).

Mediator/Saliskar: Forty six percent respondents ranked the mediator as Fair, 40% good and 3% Poor while some 11% did not answer the questions (or said do not know). Table 7.7 gives the details with area and gender variations.

Civil Surgeon/Resident Medical Officer (RMO): A little above 87% respondents said Don't know, 7% ranked the Civil Surgeons/RMOs as Good and 5% Fair and less than one percent as Poor (Table 7.8).

NGO Paralegal Workers: As high as 95% refrained from commenting or do not know about performance of Paralegal Workers of NGO. Three percent assessed them as Good and Fair by 2% (Table 7.9).

²⁰Judges here refer to the judicial officers of the lower courts of Bangladesh.

Chapter 8

Knowledge about Legal Support System

8.1 Introduction

Legal Support System is considered an element of Legal Aid. This support is usually extended as special assistance to the poorer and weaker members of the society by the public and private institutions in to enable them enforce their legal right through legal process. The Perception survey attempted to know the perception of CLS potential beneficiaries about the existing legal aid support system in the CLS programme intervention areas.

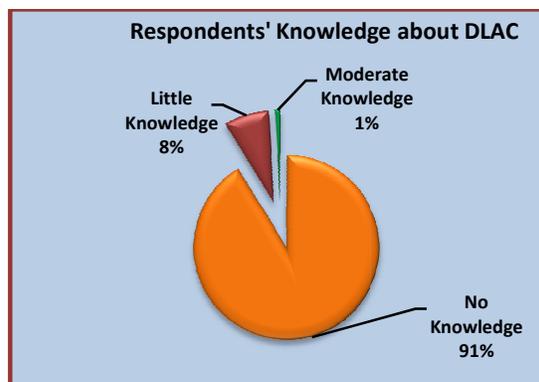
In case of Human Rights and Legal Institutions, the extent of knowledge of the respondents about the legal support systems in place in the country were also attempted to judge/measure in the survey. The answers, categorized as Don't Know, Know a Little, Know moderately and Know fully were collected, processed and analyzed. The findings are presented in details by Support System, by Area and Sex in Tables 8.1 to 8.7 and brief presentation is given below with a Summary Matrix.

8.2 Knowledge Level

Extent of knowledge is by and large poor in all the seven Legal Support System. It is poorest in case of One Stop Service where almost all (99.9%) are unfamiliar with the system, followed by CLS NGO service (99.5%), Victim Support System (99.2%), Kishore Unnayan Kendra (96.8%) and UP Legal Service (94.5). It is slightly better in Community Policing System and District Legal Aid Committees (DLAC²¹) with awareness ranging from 11% to 9%, however, much below than expected level

Box 8.1: Barriers to provide legal support under DLAC

- Lack of available space
- Political influence
- Lack of coordination among relevant agencies like- court, jail and police
- Lack of awareness of relevant authority
- Shortage of human resource
- Poor publicity of the facility



²¹**District Legal Aid Committee:** "AingotoShahayataProdan Ain, 2000" (Legal Aid services Act) enacted on 26 January, 2000 to provide legal support to people who are insolvent, distressed and are unable to bear the legal cost on their own. It provides subsidies for lawyer's fees, court fee and to a certain other relevant fees.

Matrix 7.1: Summary of Knowledge about Legal Support System				
Support System	Knowledge Level (%)			
	Don't know	Little Knowledge	Moderate Knowledge	Full Knowledge
District Legal Aid Committee (DLAC)	91.3	7.8	0.9	0.0
Community Policing System	89.0	10.4	0.6	0.0
CLS NGO Service	99.5	0.5	0.0	0.0
UP Legal Service	94.6	4.9	0.4	0.0
One stop Crisis Centre	99.9	0.1	0.0	0.0
Victim Support Centre	99.2	0.8	0.0	0.0
Kishore Unnayan Kendra (KUK)	96.8	2.7	0.3	0.2

Box 8.1.1#: DLAC and NGOs can join hands for effective legal aid service delivery

Mizanur Rahman, Joint District and Sessions Judge of Madaripur

Mr. Mizanur Rahman, Joint District and Sessions Judge of Madaripur, claimed that law and order situation of Madaripur is relatively better in comparison to other districts of the country. This is perhaps because of intensive programmatic interventions of Madaripur Legal Aid Association (MLAA) in this district. The organization has been working here for decades and contributed in increasing awareness level of people on their rights and entitlements, and most importantly assisted people to access justice from both informal and formal systems. Within the formal system the District Legal Aid Committee (DLAC) is considered an effective mechanism through which people can access government legal aid fund.

According to Mr. Rahman, DLAC receives on an average 20-25 application for legal assistance per month, which by and large is adequate to support the poor people to access justice. He acknowledged that facilitation of MLAA have been found instrumental for bringing efficiency of DLAC at Madaripur.

Mr. Rahman pointed out that at present the major roles and functions of the DLAC are confined to organizing monthly coordination meetings where it approves application for government legal aid funding support, appointment and payment to the panel lawyers and monitors disbursement of government legal aid fund. He categorically mentioned that DLAC should have an intensive coordination with other organizations engaged in providing legal aid to the poor and marginalized people.

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8.3 Indigenous Leaders

Indigenous people in Bangladesh practice their unique form of justice system to deal with crime. Instead of isolating the offenders in prison, most of the indigenous communities invite victims, offenders and community leaders in justice process and try to restore relationship that has been broken because of the crime. The Indigenous Justice System in CHT is a three-tiered system where the karbaris are the bottom point of leadership in the system, headmen are the middle and the Raja (King/chief) is the top leadership authority in the system. The Supreme Court of Bangladesh strongly recognized the significance of preserving the customary laws of people of Chittagong Hill Tracts. Chakma customary laws can handle crimes related to marriage, sexual behavior, inheritance of land and some other social problems.

Knowledge about Indigenous Leader as a legal system highly resembles to that of Ethnic Justice System discussed above. Nearly 90% have no familiarity with it (Table 9.13), and altogether only 16 persons (8%) have visited them, all from Rural and HtR areas, for obvious reasons (Table 9.14).

While about 23% consider there is no supporting factors, the remaining concerned people consider them free of cost (23%), easy getting service and supportive (a little over 15% each) and friendly (15%), as presented in Table 9.15. On the other hand, 62% consider that there is no barrier in this system, 31% labeled it as biased and 7% blamed the Indigenous Leaders for misbehavior (Table 9.16).

8.4 NGO Workers

Non-governmental organizations (NGOs) are legally constituted co-operations created by natural or legal people that operate independently from any form of government. NGOs are organizations that work in many different fields, but the term is generally associated with those seeking social transformation and improvements in quality of life. To ensure Legal services some of the NGOs provide legal advice and representation at all levels of the justice system with an emphasis on providing legal services including mediation, litigation and legal rights training to those living in poverty or facing disadvantage or discrimination. People who work in NGOs called NGO worker.

Overall 85% respondents are not aware that NGO (worker) as a legal service delivery agency, 14% know a little and 2% know it. The extent of awareness about it is higher among Urban, Males, Educated, Non-poor and obviously among NGO members (9.21). Altogether nearly 3% (62 persons, 44 women), went to NGO workers for settling legal problems (Table 9.22).

Chapter 9

Perception about Law Enforcing Agencies

The Law enforcement agencies in Bangladesh is responsible for: upholding the rule of law, ensuring safety and security of citizens, preventing and detecting crime, and to bring offenders to justice and maintain peace and public order with an objective to make Bangladesh a better and safer place to live and work. Law enforcement agencies include, Police (Railway Range, Metropolitan Police, Highway Police, Industrial Police), RAB, Ansar & Village Defense Party (VDP) and Coast Guard.

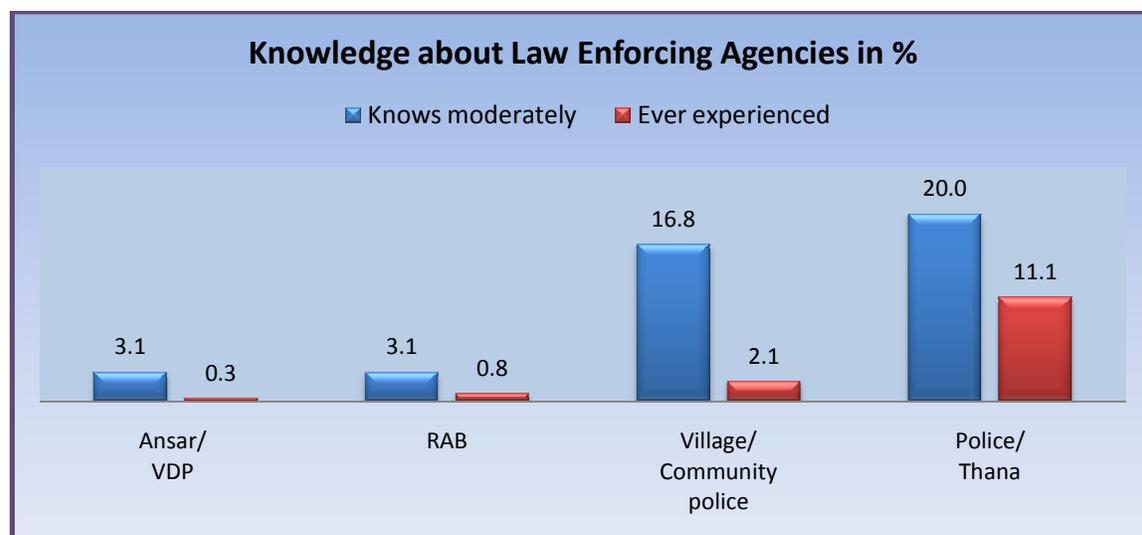
9.1 Police

The Bangladesh Police is the main law enforcement agency of Bangladesh. It is administered under the Ministry of Home Affairs of the Government of Bangladesh. It plays a crucial role in maintaining peace, and enforcement of law and order within Bangladesh. Though the police are primarily concerned with the maintenance of law and order and security of persons and property of individuals, it also plays a big role in the criminal justice system.

Except 4% people, all other people know about Police with various extents, having some differences across the areas. However, like other system, women, hardcore poor and illiterate are more unfamiliar with this system (Table 9.1)

Little over 11% (264 persons) ever visited Police, more by Urban, Males, Literate, Non-poor and NGO members (Table 9.2).

A total of the concerned respondents, 44% believe that there is no supporting factors behind visiting Police and almost equal number (42%) consider Police as helpful, while very few people believe that they are free of cost (1.5%), friendly and easily provide service (Table 9.3). The barriers include: Not free (incurred cost with 53%), Biased (12%), misbehavior and not supportive (5% each), while one-fourth think that there is no barrier (Table 9.4).



9.2 Rapid Action Battalion (RAB)

Rapid Action Battalion or RAB is an elite anti-crime and anti-terrorism unit of the Bangladesh Police. It consists of members of the Bangladesh Police, Bangladesh Army, Bangladesh Navy, Bangladesh Air Force, Border Guard Bangladesh and Bangladesh Ansar. It works under the command of Inspector General of Police.

Awareness and unawareness about RAB is almost equally divided among the respondents (50:50), though there is extent of awareness (some 48% know a little and remainder just know). It varies widely among the Basic Characteristics of respondents-- far more familiar among males, literate, Non-poor and Urban area, and little higher by NGO to NNGO members (Table 9.5).

Only 20 HHs (or nearly 1%) visited RAB for seeking justice; 7 females against 13 males, 13 urban, 6 Rural and 1HtR (Table 9.6).

The favorable factors with RAB include helpful (50%), friendliness and easy (15% each) and cost free (5%), while remainders believe that there is no supportive factor in case of RAB (Table 9.7). On the contrary, 60% visitors to RAB believe that there is no obstacle; other 40% equally believe that RAB is biased and is not helpful (Table 9.8).

9.3 Village/Community Police

In Bangladesh police, community policing is an organization with the aims of promoting community, government and police partnerships, proactive problem solving, and community engagement to address the causes of crime, fear of crime and community issues. The Police Reform Program (PRP), a UNDP funded project, has been providing Bangladesh Police with technical assistance to implement community-policing nationwide.

A little above to 13% respondents do not know about Village/Community Policy, knowledge level varies widely, from little knowledge (65%) to full (little over 1%), as detailed in Table 9.9. Rural and HtR as well as South and North respondents were found relatively more aware, and likewise men, marginally poor and Non-NGO members.

As low as 3% respondents ever went to them, majority from HtR (3%) and from males (5%), shown in Table 9.10; and more than half found them helpful and some found them friendly, easy to get service and few found cost-free, and close 18% claimed that there is no positive factor for going to the village/Community Police (Table 9.11). Not less than 62% consider that there is no barrier to going them, while 16% labeled them biased, 11% not helpful and few said that they are not free (Table 9.12).

9.4 Ansar/VDP

Under the acts of Ansar Bahini Act, 1995; Battalion Ansar Act 1995; Village Defense Party Act, 1995 the Ansar Bahini and the Battalion Ansars were declared a 'Disciplined Force' in pursuance of article 152 of the constitution. The primary duties of the Ansar Bahini are to assist the government or any concerned authority to maintain public order and social security; to take part in any programme for socio-economic development of the country; and to assist other forces by order of the government. The duties of Ansar Battalions are to participate in disaster management activities, and to assist other forces by the order of the

government in addition to the duties entrusted under the relevant acts to the Ansar Bahini. The duties of VDPs are to assist all sorts of welfare activities in order to develop the socio-economic condition of the country; to participate in all types of activities in order to maintain law and order and social security; and to perform any other duties assigned from time to time by the government.

Ansar/Village Defense Party (VDP) is found as one of the unfamiliar legal institutions in the country because more than 45% people do not recognize them and close to 52% know little and only 3% just know them (Table 9.17).

Only 7 respondents (or 0.3%) of the total, all from Urban area, met them seeking justice (Table 9.18). Of the visited persons, 43% considered them friendly and rest as helpful, while none could find any barrier to going them for justice (Tables 9.19 and 9.20).

Box 6.2: Justice Seeking Behaviours of Transgender community

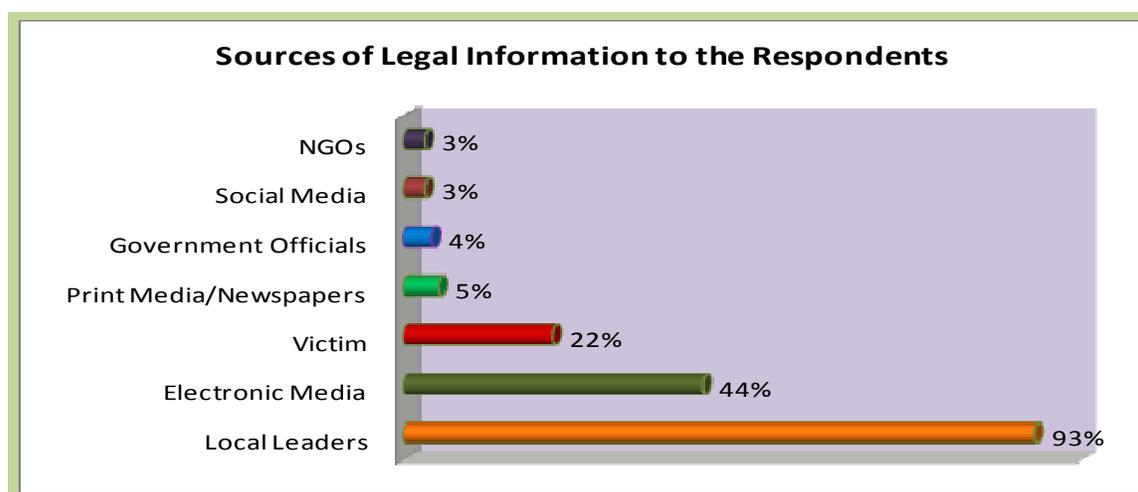
Transgender, known as *hijras* or eunuchs, are physiologically males who adopt mostly feminine gender roles, and wear women's clothing. Most *hijras* live at the margins of society with very low status and have little knowledge about fundamental rights and conventional justice system of the country. In our society, transgender people face discrimination to access services and even denial to get house on rent. They get marriage within themselves but it has never been recognized by law. They are often teased and instigated by local people and get involved in quarrel with them (often unintended). There is ritual of marriage but without any legal binding and as a result divorces are rampant, also without any provision for compensation like dower/maintenance etc. They often sexually abused by LEAs, face harassment while seeking remedy from PS or Judicial systems; have low trust in the systems and thus avoid it.

Chapter 10

Sources of Legal Information and NGO Legal Aid Services

10.1 Sources of Legal Information

The respondents were asked from what sources you usually receive information on legal matters. The responses, arranged by Area and gender, are presented in details in Table 10.1 in annex 4. Local Leader is by far the most frequently mentioned source (93%), followed distantly by Electronic Media (44%), Victims (22%), Print Media/Newspapers (5%), Government Officials (4%), Social Media (3%) and NGOs (3% including only some 1% from CLS partners). Few of them also learnt from Books, Relatives and Advocate. Electronic media (TV/Radio) and Victim are more prominent sources in Urban Area compared to other two areas.



10.2 NGO Legal Aid Services

Nearly 6% or 142 persons of the total respondents could spot that NGOs are working in their area, maximum in rural area (7%) and minimum in HtR area (4%). Table 10.2 gives the detail.

Presence of BRAC is mentioned or identified by some 55% concerned people, remotely followed by BLAST (9%), Mohila Samitee (8%), LH (6%), Caritas (6%) and some minor ones like YPSA, CODEC, BNWLA, MLAA, Palli Shree, RDRS, CDC and so on (Table 10.3).

The most important legal services, as mentioned by the respondent, being provided by these NGOs include: Legal Advice (95%), Counseling to the victims (34%), financial support for legal expenses (20%), Defending victims in the court (18%), Medical Care and Rehabilitation (2% each) and others (1%). Table 10.4 gives the details along with the concentration of services by area.

Chapter 11

11.1 People's Perception about Environment

Introduction: Bangladesh faces many environmental problems both natural and those created by humans. The problems of over-population and poverty are considered as the root causes of environmental hazards in the country, and others or related ones include: deforestation, deteriorating water quality, natural disasters, land degradation, salinity, unplanned urbanization, discharge of untreated sewage and industrial wastes, and so on.

In order to address the environmental issues and smoothly implement, the related intervention, the Government approved a set of Acts such as the Bangladesh Environment Conservation Act 1995; the Bangladesh Environment Conservation Rules 1997 and the Environment Courts Act 2000 etc. The judiciary in Bangladesh is also found supportive to the environmental issues and related public interest. Alongside Government, a number of non-governmental organizations (NGOs) and Civil Society Organizations also are working on environment and climate issues aiming towards the protection and conservation of environment, of course with limited success, except making community aware of some issues.

CLS has strategically included legal aspects of environmental issues in its programmatic interventions. It has partnered with Bangladesh Environmental Lawyers Association (BELA), to address the legal aspects while protecting environmental rights of the people in CLS programme area.

The perception study made an attempt to capture perception of people about environment living in CLS programme areas using FGD methodologies in diverse locations – urban, rural and hard to reach (HtR) areas in Dhaka, Chittagong, Khulna, Rajshahi and Mymensingh regions. Altogether nine FGDs (12-15 persons per FGD) were conducted with 122 participants. The following matrix presents the people's perception of the environmental issues segregated by Urban, Rural and Hard to Reach Areas.

Urban	Rural	HtR
Water-borne diseases including diarrhea, skin diseases due to water and air pollution;	Availability of fishes is reducing- salinity, shipyard garbage;	Crops damaged by water logging due to drain blockage;
Unhygienic smell – open toilet, water pollution, waste/garbage dumping, human waste;	River-side erosion and for wetland filling	Peoples mobility restricted - water logging;
Children are suffering from various diseases;	Irrigation disturbed due to increasing salinity;	Noise impacts upon physical and mental health of people;
Polluted environment affects children's eye;	Land erosion-deforestation;	Irrigation hampered due to water logging and salinity;
Children fall into polluted drains, causing deaths;	Water logging around locality- unplanned housing;	Arsenic and -water pollution;
Dumping-waste/garbage and unclean locality	Fruit trees losing productivity- air pollution;	Climatic change due to felling of trees (warm);
Tannery industrial garbage creates air pollution;	Excessive noise of shipyard hamper sleeps of residents (noise pollution);	Reducing availability of fishes- salinity.
Chemicals used in the tannery industries, damage refrigerator, TV etc;	Road-side erosion due to chopping/felling trees;	

Urban	Rural	HtR
Roads and residence submerged by rains;	Water-borne diseases (due to water pollution);	
Overloaded drain-waste passes into residences;	Irrigation problem due to lack of wetland;	
Pregnant women suffer;	Unhygienic/bad smell – air pollution;	
Garbage dumping damages children’s playground;	Climatic change due to felling of trees (warm);	
People’s mobility hampered due to water logging (during rainy season).	Excessive noise creates problems of hearing –high blood pressure etc.	

The affected people did not take any initiative to improve the environmental situation and/or to prevent degradation. The only exceptions were the residents of Kolaroa Upazila in Satkhira district who raised the problem before local UP chairman.

The FGDs revealed that the most respondents do not have knowledge of environmental laws and rules but recognize the effect of environmental degradation on their lives and livelihoods. The participants suggest the print and electronic media should give more coverage to environmental issues. Since a large population in Bangladesh is illiterate, there should be regular weekly or fortnightly programmes on radio and TV on issues relating to the environment. The main challenge is: to aware people about enforcement of environmental laws and legal consequences. The NGOs should be provided with assistance and support in their efforts of creating awareness about the environment and its legal protection.

In the urban area, environmental degradation and pollution affects on the quality of live while in the rural areas, it directly affects their economic life. Major environment issues as perceived by the respondents are water pollution, salinity, wetland filling, noise and water logging.

Recommendations from FGDs: Improving environmental situation in CLS programme areas

Urban Areas	Rural Area	HtR Areas
<ul style="list-style-type: none"> • Create mass awareness among the city dwellers about the consequences of environmental degradation. • Install new and improve existing dustbins; • Clean drains regularly and make new drains; • Stop garbage dumping except in dustbins; • Repair water supply lines; • Stop wetland filling 	<ul style="list-style-type: none"> • Develop planned housing and drainage system; • Prevent industrial pollution and ensure industries follow industry code; • Raise awareness among people through workshop-seminar; • Enact and enforce appropriate laws; • Ensure cleanliness of every house and its surrounding. 	<ul style="list-style-type: none"> • Take concrete legal measures to stop frequent felling of trees; • Install arsenic free tube wells for pure drinking water; • Improve roadways and waterways; • Clean drains regularly and dig canals.

Chapter 12

12.1 Policy Implication of the perception survey

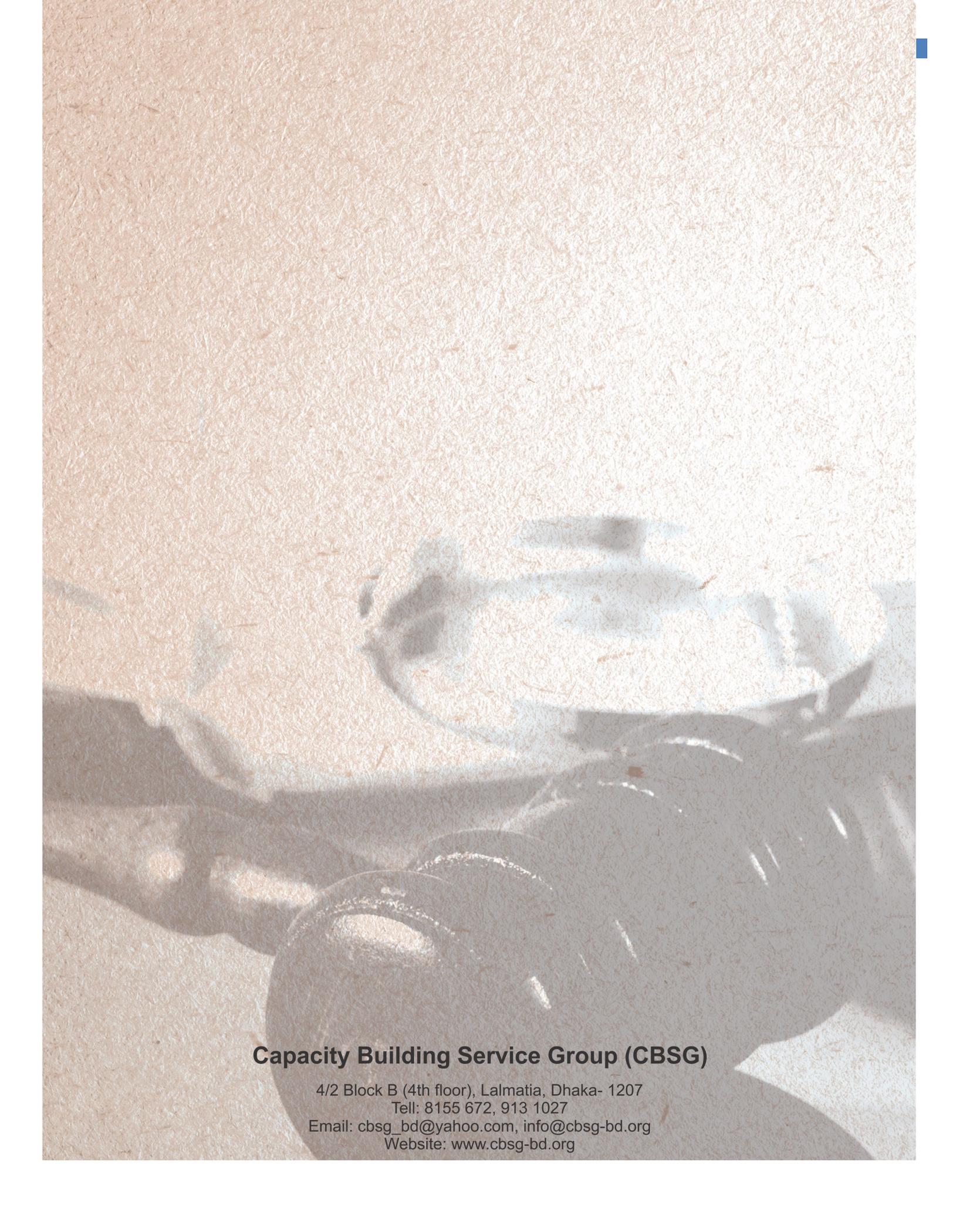
The perception survey has revealed ground reality on the existing knowledge and experience of legal matters among the prospective beneficiaries of CLS programme. Highlights of the perception study include the following:

- General awareness on legal issues, human rights and its implication are poor
- Legal issues have direct bearing on the lives of poor people. One way or the other, a significant proportion of poor people face legal challenges
- Family related disputes and offences are the main concern of legal rights for poor and marginalized people. Women are often the main victims.
- While the need for legal protection and redressal remains huge, justice seeking behavior among the poor and marginalized people are insignificant; existing justice delivery systems, both formal and non-formal, are often non-responsive and non-pro-poor.
- Most victims are generally dissatisfied with the legal resolution handed down both by the formal and informal justice systems
- Local justice systems and community level arrangements are preferred options for the poor and marginal people especially in the rural and HtR areas
- Poor and marginal people want to avoid expensive and complicated formal legal systems of the country; and they also have low confidence on the existing justice delivery systems
- NGO facilitated justice delivery system have very minimum level of penetration in the surveyed area. In other words, these areas are mostly un-served while there is huge demand for services.
- Therefore, CLS programme have targeted the appropriate segment of the population with legal services especially women, marginal and disadvantaged groups whose need for legal protection is most pressing.

In the backdrop of above reality, the CLS programme is supporting leading legal aid NGOs to scale up their programme in the un-served areas in urban, rural and hard-to-reach areas across Bangladesh. To maximize the impact of its NGO grant programme, CLS will need to:

- Develop coherence and coordination among grantee NGOs programmes especially in the area of awareness development, local level capacity building and legal aid services and thus review and realign grantee's NGO action plans. Coordination with other GO-NGO programs and interventions should also be encouraged.
- Develop standard BCC approach, communication materials, and awareness building strategy to be replicated by grantee NGOs; Grantee NGOs best practice materials and methods can be used.
- Realign second round grantee NGOs action plan based on local reality using the regional and beneficiary wise segregated data especially in priority setting, service delivery methods/strategies and plans

- Facilitate horizontal learning programme across grantee NGOs using experiential learning methods;
- Design targeted advocacy approach/strategy for various institutions and agencies related with the justice delivery systems;
- Realign/reinforce CLS monitoring and performance tracking system with this baseline data, especially
- Identify key performance indicators for the CLS programme and develop appropriate MIS and reporting tools to track the progress in regular intervals, by guarantees, by gender, by areas/region
- Establish some common indicators for all grantees, and specific indicators for specific as necessary and suitable.
- Support NGO level monitoring and performance tracking systems especially the high coverage NGOs such as BLAST, BNWLA, Light House and MLAA. This survey provides independent baseline data for these NGOs.
- Arrange reflection/ dissemination workshops to share the progress/ performance findings on regular basis



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